Court Rules Act

PROVINCIAL COURT FAMILY RULES

B.C. Reg. 120/2020

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Court Rules Act

PROVINCIAL COURT FAMILY RULES

B.C. Reg. 120/2020

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PROVINCIAL COURT FAMILY RULES

B.C. Reg. 120/2020

PART 1 – PURPOSE AND INTERPRETATION

Division 1 – General Information for These Rules

Purpose

1 The purpose of these rules is to encourage parties to resolve their cases by agreement or to help them obtain a just and timely decision in a way that

(a) takes into account the impact that the conduct of a case may have on a child and family,

(b) minimizes conflict,

(c) promotes cooperation between the parties, and

(d) provides processes for resolution that are efficient and consistent with the complexity of the cases to be resolved.

Definitions and interpretation

2 (1) In these rules:

"adult" means a person who is at least 19 years of age;

"case" means

(a) a proceeding started under these rules, or

(b) a pre-existing proceeding within the meaning of rule 195 *[definitions for Part 13]*;

"certificate of service" means a certificate in Form 7 *[Certificate of Service]*, prepared in accordance with rule 183 *[proving service]*, that certifies service;

"clerk" means a person who provides administrative support to the court;

"consensual dispute resolution" means

(a) mediation with a family law mediator who is qualified as a family dispute resolution professional in accordance with section 4 *[family law mediators]* of the Family Law Act Regulation,

(b) a collaborative family law process conducted in accordance with a collaborative participation agreement, or

(c) facilitated negotiation of a child support or spousal support matter with a child support officer employed by the Family Justice Services Division of the Ministry of Attorney General;

"court" means the Provincial Court;

"early resolution registry" means a registry specified in rule 6 (a) to which Part 2 *[Early Resolution Registries]* applies;

"family justice counsellor" means a person appointed as a family justice counsellor under section 10 *[family justice counsellors]* of the *Family Law Act*;

"family justice manager" means a person

(a) in a class of decision makers prescribed under the *Family Law Act*, and

(b) appointed as a decision maker under the *Provincial Court Act*;

"family justice registry" means a registry specified in rule 6 (b) to which Part 6 *[Family Justice Registries]* applies;

"Family Law Act Regulation" means the Family Law Act Regulation, B.C. Reg. 347/2012;

"family law matter" means a case about one or more of the following:

(a) parenting arrangements, including parental responsibilities and parenting time;

(b) child support;

(c) contact with a child;

(d) guardianship of a child;

(e) spousal support;

(f) property division in respect of a companion animal;

"family member", with respect to a person, means

(a) the person's spouse or former spouse,

(b) a person with whom the person is living, or has lived, in a marriage-like relationship,

(c) a parent or guardian of the person's child,

(d) a person who lives with, and is related to,

(i) the person, or

(ii) a person referred to in any of paragraphs (a) to (c), or

(e) the person's child,

and includes a child who is living with, or whose parent or guardian is, a person referred to in any of paragraphs (a) to (e);

"family violence" includes, with or without an intent to harm a family member,

(a) physical abuse of a family member, including forced confinement or deprivation of the necessities of life, but not including the use of reasonable force to protect oneself or others from harm,

(b) sexual abuse of a family member,

(c) attempts to physically or sexually abuse a family member,

(d) psychological or emotional abuse of a family member, including

(i) intimidation, harassment, coercion or threats, including threats respecting other persons, pets or property,

(ii) unreasonable restrictions on, or prevention of, a family member's financial or personal autonomy,

(iii) stalking or following of the family member, and

(iv) intentional damage to property, and

(e) in the case of a child, direct or indirect exposure to family violence;

"file" means to file with the clerk in the registry;

"filed copy" means a copy of a document that is filed and date stamped with the registry stamp;

"method of attendance", in relation to a court appearance, includes

(a) attending in person, and

(b) attending by telephone, video conference or other means of electronic communication;

"needs assessor" means a family justice counsellor who conducts a needs assessment under rule 16 *[participating in needs assessment]* or 93 *[participating in needs assessment in family justice registries]*;

"parenting education program" means an educational program that is designed to support informed and child-focused decisions and that is approved by the Family Justice Services Division of the Ministry of Attorney General;

"parenting education program registry" means a registry specified in rule 6 (c) to which Part 7 *[Parenting Education Program Registries]* applies;

"party" includes the following persons who may be named in a case:

(a) a person who files a notice to resolve a family law matter, or is named as the other party on a notice to resolve, under rule 10 *[early resolution requirements must be met before application filed]*;

(b) a person who files an application;

(c) a person who files a reply, or may file a reply, to an application;

(d) a person who is named as the other party in an application under these rules;

(e) a person who is added as a party under these rules;

(f) the Director of Maintenance Enforcement, if the application is made under Division 2 *[Enforcement of Support Orders Under the Family Maintenance Enforcement Act]* of Part 10 *[Enforcement]*;

"peace officer" means

(a) a sheriff, or

(b) a police officer, police constable or constable, including a member of the Royal Canadian Mounted Police who is deemed to be a provincial constable under section 14 (2) *[Royal Canadian Mounted Police as provincial police force]* of the *Police Act*;

"priority parenting matter" means any of the following matters:

(a) giving, refusing or withdrawing consent, by a guardian, to medical, dental or other health-related treatments for a child, if delay will result in risk to the child's health;

(b) applying, by a guardian, for

(i) a passport, licence, permit, benefit, privilege or other thing for a child, if delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being, or

(ii) travel with a child or participation by a child in an activity if consent to the travel or activity is required and is alleged to have been wrongfully denied;

(c) relating to change in location of a child's residence, or a guardian's plan to change the location of a child's residence, if

(i) no written agreement or order respecting parenting arrangements applies in respect of the child, and

(ii) the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian;

(d) relating to the removal of a child under section 64 *[orders to prevent removal of child]* of the *Family Law Act*;

(e) determining matters relating to interjurisdictional issues under section 74 (2) (c) *[determining whether to act under Part 4 – Care of and Time with Children]* of the *Family Law Act*;

(f) relating to the alleged wrongful removal of a child under section 77 (2) *[wrongful removal of child]* of the *Family Law Act*;

(g) relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980;

(h) applying for an order under section 45 *[orders respecting parenting arrangements]* or 51 *[orders respecting guardianship]* of the *Family Law Act* in one of the following circumstances:

(i) the child to whom the order relates has been removed under section 30 *[removal of child]*, 36 *[interim supervision order no longer protects the child]* or 42 *[enforcement of supervision order after the protection hearing]* of the *Child, Family and Community Service Act* and a director under that Act has advised that the order will allow the child to be returned to the person applying for the order;

(ii) a director under the *Child, Family and Community Service Act* has advised that the child to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;

"registry" means the Provincial Court registry that is responsible for

(a) providing services to people on behalf of the court in a particular region of the Province, and

(b) maintaining all documents and records that are filed for a case;

"support" includes maintenance.

(2) In these rules, unless a term is otherwise defined or a contrary intention appears, the definitions in the *Family Law Act* apply.

(3) For certainty, **"child support guidelines"** has the same meaning as in the *Family Law Act* and includes the Federal Child Support Guidelines established under section 26.1 of the *Divorce Act* (Canada), as set out in Part 4 *[Child Support Guidelines]* of the Family Law Act Regulation.

[am. B.C. Regs. 126/2021, Sch. 1, s. 1; 302/2021, Sch. 1, s. 1; 214/2023, s. 1.]

Financial statements

3 When financial statements are required or referred to in these rules, they must be filed, unless otherwise indicated,

(a) in Form 4 *[Financial Statement]*, and

(b) with any attachments that are described in that form for the family law matter or other specific circumstances that apply.

Division 2 – Understanding How to Use These Rules

What these rules apply to

4 (1) These rules apply to cases in the Provincial Court about the following matters:

(a) matters under the *Family Maintenance Enforcement Act*;

(b) matters under the *Family Law Act*, other than the following Parts of the Act:

(i) Part 3 *[Parentage]*, except as is necessary to make an order under that Part to determine another family law matter over which the Provincial Court has jurisdiction;

(ii) Part 5 *[Property Division]*, except in respect of a companion animal;

(iii) Part 6 *[Pension Division]*;

(iv) Part 8 *[Children's Property]*.

(2) For certainty, the matters referred to in subrule (1) to which these rules apply include the following:

(a) family law matters;

(b) protection orders under Part 9 *[Protection from Family Violence]* of the *Family Law Act*;

(c) priority parenting matters;

(d) relocation;

(e) enforcement, including enforcement of support orders under the *Family Maintenance Enforcement Act*.

[am. B.C. Reg. 214/2023, s. 2.]

What these rules do not apply to

5 These rules do not apply to the following matters:

(a) divorce, which is addressed under

(i) the *Divorce Act*, and

(ii) the Supreme Court Family Rules;

(b) except in respect of a companion animal, property division, which is addressed under

(i) the *Family Law Act*, and

(ii) the Supreme Court Family Rules;

(b.1) pension division, which is addressed under

(i) the *Family Law Act*, and

(ii) the Supreme Court Family Rules;

(c) adoption, which is addressed under

(i) the *Adoption Act*, and

(ii) the Supreme Court Family Rules;

(d) child protection, which is addressed under

(i) the *Child, Family and Community Service Act*, and

(ii) the Provincial Court (Child, Family and Community Service Act) Rules;

(e) adult guardianship, which is addressed under

(i) the *Adult Guardianship Act*, and

(ii) the Provincial Court (Adult Guardianship) Rules;

(f) interjurisdictional support orders, which are addressed under the *Interjurisdictional Support Orders Act*, except as provided in rules 134 (a) *[filing orders]* and 136 *[applying to set aside interjurisdictional order]*.

[am. B.C. Reg. 214/2023, s. 3.]

Parts that apply in certain registries

6 In these rules,

(a) the Abbotsford, Chilliwack, New Westminster, Port Coquitlam, Surrey and Victoria registries are an early resolution registry for the purposes of Part 2 *[Early Resolution Registries]*,

(b) the Kelowna, Nanaimo and Vancouver (Robson Square) registries are family justice registries for the purposes of Part 6 *[Family Justice Registries]*,

(c) all registries, except early resolution registries and family justice registries, are parenting education program registries for the purposes of Part 7 *[Parenting Education Program Registries]*, and

(d) the Kamloops registry is an informal trial pilot project registry for the purposes of Division 5 *[Informal Trial Pilot Project Rules]* of Part 9.

[am. B.C. Regs. 236/2020, Sch. 2, s. 1; 302/2021, Sch. 1, s. 2 and Sch. 2, s. 1; 138/2024, Sch. 1, s. 1 and Sch. 2, s. 1.]

Which registry to use

7 (1) The registry that must be used for filing a form or document under these rules is the following:

(a) if there is an existing case with the same parties, the registry where the existing case is located;

(b) if there is not an existing case with the same parties, the registry closest to the following:

(i) if the case involves a child-related issue, the residence where the child lives most of the time;

(ii) if the case does not involve a child-related issue, the residence of the person who first files a document under these rules.

(2) If there is an existing case,

(a) the existing court file must be used if the parties are the same, or

(b) a new court file in the same registry must be used if paragraph (a) does not apply.

(3) A party seeking an order about a protection order or a priority parenting matter may do so in any registry, with permission of the court.

Agreement or resolution possible at any time

8 Parties may come to an agreement or otherwise reach resolution about family law issues at any time.

PART 2 – EARLY RESOLUTION REGISTRIES

Division 1 – Early Resolution Registries

Early resolution registry

9 The rules set out in this Part apply in the following early resolution registries, as set out in rule 6 (a) *[parts that apply in certain registries]*:

(a) Abbotsford;

(b) Chilliwack;

(c) New Westminster;

(d) Port Coquitlam;

(e) Surrey;

(f) Victoria.

[en. B.C. Reg. 138/2024, Sch. 2, s. 2.]

Division 2 – Early Resolution Requirements

Early resolution requirements must be met before application filed

10 Before filing an application about a family law matter under Part 3 *[Application About Family Law Matters]*, a party seeking resolution of a family law matter in an early resolution registry must, unless otherwise provided in these rules,

(a) file a notice to resolve in Form 1 *[Notice to Resolve a Family Law Matter]*,

(b) provide a copy of the notice to resolve to each other party,

(c) participate in a needs assessment under rule 16 *[participating in needs assessment]*,

(d) complete a parenting education program under rule 17 *[completing parenting education program]*, and

(e) participate in at least one consensual dispute resolution session under rule 18 *[participating in consensual dispute resolution]*.

Early resolution requirements must be met before reply filed

11 Before filing a reply under rule 28 *[reply to application about family law matter]* to an application about a family law matter in an early resolution registry, the party filing the reply must, unless otherwise provided in these rules,

(a) participate in a needs assessment under rule 16 *[participating in needs assessment]*,

(b) complete a parenting education program under rule 17 *[completing parenting education program]*, and

(c) participate in at least one consensual dispute resolution session under rule 18 *[participating in consensual dispute resolution]*.

Exception to early resolution requirements

12 The early resolution requirements described in rules 10 *[early resolution requirements must be met before application filed]* and 11 *[early resolution requirements must be met before reply filed]*

(a) do not apply if the application about the family law matter is only for support and that party has assigned support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,

(b) cease to apply if the court file for the case is transferred under rule 62 *[case management orders – judge]* or 63 *[case management orders – family justice manager]* to a registry that is not an early resolution registry, and

(c) are not required if a party is only applying for one or more of the following orders under Part 5 *[Applying for Other Orders]* or Part 10 *[Enforcement]*:

(i) a case management order;

(ii) a protection order;

(iii) an order about a priority parenting matter;

(iv) an order about relocation;

(v) a consent order;

(vi) an enforcement order.

[am. B.C. Reg. 126/2021, Sch. 1, s. 2.]

Certain parties exempt from requirements

13 A party who is the government, a minister or a public officer is not required to meet the requirements that apply to a party under this Part.

Protection orders and orders about priority parenting matters take priority

14 For certainty, if a party applies for an order about a family law matter and

(a) an order about a protection order under Part 9 *[Protection from Family Violence]* of the *Family Law Act*, or

(b) a priority parenting matter,

the party may apply for the order about the protection order or the priority parenting matter before complying with rule 10 *[early resolution requirements must be met before application filed]* or 11 *[early resolution requirements must be met before reply filed]*.

Division 3 – Notice of Intention to Proceed

Intention to proceed in certain cases after one year

15 (1) The parties must meet the requirements in subrule (2) (a) and (b) if no application about a family law matter has been filed in a case and more than one year has passed since the latest date on which one of the parties took any of the following steps in the case:

(a) filed a notice to resolve a family law matter in Form 1 *[Notice to Resolve a Family Law Matter]*:

(b) participated in a needs assessment:

(c) completed a parenting education program;

(d) participated in a consensual dispute resolution session.

(2) Before the parties described in subrule (1) may proceed,

(a) a party must file a notice of intention to proceed in Form 2 *[Notice of Intention to Proceed]* and provide a copy of the notice to each other party, and

(b) the parties must participate in a new needs assessment.

Division 4 – Needs Assessment

Participating in needs assessment

16 Unless otherwise provided in these rules, each party must participate individually in a needs assessment conducted by a needs assessor for the following:

(a) assistance with identifying legal and non-legal needs;

(b) information about resolving issues, including

(i) how to resolve family law matters and other issues out of court, and

(ii) how to apply for a court order;

(c) provision of

(i) a referral to an appropriate parenting education program under Division 5 *[Parenting Education Program]*, or

(ii) an exemption from a parenting education program under that Division;

(d) referrals to other resources, including where and how

(i) to seek legal advice,

(ii) to access legal information,

(iii) to access resources for issues that are not legal in nature, and

(iv) to access resources for children dealing with family changes;

(e) assessment of whether consensual dispute resolution under Division 6 *[Consensual Dispute Resolution]* is not appropriate;

(f) assessment of any risk of family violence;

(g) referrals to other resources for individuals and families experiencing or concerned about family violence.

Division 5 – Parenting Education Program

Completing parenting education program

17 Each party must complete a parenting education program unless a needs assessor exempts that party because

(a) the party has already completed the parenting education program in the 2 years before the date of the needs assessment,

(b) the family law matter is related only to spousal support,

(b.1) the family law matter is related only to property division in respect of a companion animal,

(b.2) the family law matter is related to both spousal support and to property division in respect of a companion animal,

(c) every child involved in the family law matter has reached 19 years of age,

(d) the party cannot access an online version,

(e) the parenting education program is not offered in a language in which the party is fluent,

(f) the party cannot complete an online version due to literacy challenges, or

(g) the party cannot complete the parenting education program due to a serious medical condition.

[am. B.C. Reg. 214/2023, s. 4.]

Division 6 – Consensual Dispute Resolution

Participating in consensual dispute resolution

18 (1) The parties must attempt to resolve a family law matter by participating in at least one consensual dispute resolution session unless

(a) a needs assessor determines that the parties cannot access consensual dispute resolution services, or

(b) a needs assessor or a consensual dispute resolution professional determines that participation in a consensual dispute resolution session is not appropriate.

(2) To prepare for a consensual dispute resolution session, each party must participate in any preparatory meetings or other preparatory process as required by the consensual dispute resolution professional.

Certain parties not required to comply with consensual dispute resolution

19 The requirements described in rule 18 *[participating in consensual dispute resolution]* do not apply to any parties if one of the parties is

(a) the Director of Maintenance Enforcement, or

(b) a director under the *Child, Family and Community Service Act*.

Financial information for consensual dispute resolution

20 If financial information for consensual dispute resolution is required, it must be provided in the form required by the consensual dispute resolution professional.

Division 7 – Failure to Comply With Early Resolution Requirements

Application in early resolution registry may proceed once filed

21 If a party has met the early resolution registry requirements described in rule 10 *[early resolution requirements must be met before application filed]*, the party may proceed to make an application for an order about a family law matter in accordance with these rules even if the other party is unable or unwilling to comply with the early resolution requirements described in rule 11 *[early resolution requirements must be met before reply filed]*.

Failure of party to comply with early resolution requirements

22 If a party who receives a notice to resolve does not comply with the early resolution requirements under rule 11 *[early resolution requirements must be met before reply filed]*, the party may not participate in the case unless the court orders otherwise.

PART 3 – APPLICATION ABOUT FAMILY LAW MATTERS

Division 1 – Applying for Family Law Matter Orders

Application of Part

23 The rules set out in this Part apply in all registries.

Applying for orders about family law matters

24 (1) In this rule, **"order about a family law matter"** means an order about any of the following:

(a) a new order about a family law matter;

(b) an order to change or cancel all or part of an existing final order about a family law matter other than property division in respect of a companion animal;

(c) an order to set aside or replace all or part of an agreement about a family law matter.

(2) To apply for an order about a family law matter in a registry other than an early resolution registry, a party must file and serve on each other party an application about a family law matter in Form 3 *[Application About a Family Law Matter]*.

(3) To apply for an order about a family law matter in an early resolution registry, a party must

(a) meet the early resolution requirements described in rule 10 *[early resolution requirements must be met before application filed]*, and

(b) after having met the early resolution requirements, file and serve on each other party an application about a family law matter in Form 3 *[Application About a Family Law Matter]*.

[am. B.C. Reg. 214/2023, s. 5.]

Additional requirements when applying for certain orders

25 (1) A party must file the following additional documents with an application about a family law matter:

(a) for an order about an existing order or written agreement, a copy of the existing order or written agreement;

(b) for an order about child support, if the party is required under the child support guidelines to provide income information, a financial statement in Form 4 *[Financial Statement]*, and any applicable information and

documents described in Form 4 as required under the child support guidelines;

(c) for an order about spousal support, a financial statement in Form 4.

(2) In addition to filing the additional documents under subrule (1), a party applying for an order about being appointed as a guardian must

(a) file the following additional documents with the party's application:

(i) a Consent for Child Protection Record Check in Form 5 under the Family Law Act Regulation;

(ii) a request, in the form provided by the registry, to search the protection order registry, and

(b) certify on the application that the party has initiated a criminal record check.

[am. B.C. Reg. 126/2021, Sch. 1, s. 3.]

Additional documents required when applying for orders about guardianship

26 (1) A party making an application for an order about guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act*, including an application for a consent order for guardianship, must file an affidavit in Form 5 *[Guardianship Affidavit]* with the following exhibits attached:

(a) a child protection record check from the Ministry of Children and Family Development;

(b) a protection order record check from the protection order registry;

(c) a criminal record check.

(2) The documents referred to in subrule (1) must be filed and served on each other party

(a) at least 7 days before the date set for the hearing of the application if no trial preparation conference is scheduled, or

(b) at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled.

(3) The following periods apply in relation to the documents referred to in subrule (1):

(a) an affidavit referred to in subrule (1) must be sworn no more than 7 days before the date the affidavit is filed;

(b) the record checks referred to in subrule (1) (a), (b) and (c) must be dated within 60 days before the date that the record check is filed.

[am. B.C. Regs. 236/2020, Sch. 2, ss. 3 and 4; 126/2021, Sch. 1, s. 4.]

Serving application about family law matter

27 (1) If a party is applying for an order about a family law matter under rule 24 *[applying for orders about family law matters]*, the party must ensure the personal service of the application about the family law matter by having an adult

who is not a party leave a copy of the following documents with the party who is to be served:

(a) the application about the family law matter;

(b) instructions, in the form provided by the registry, about the following:

(i) how to file a reply;

(ii) how to obtain Form 6 *[Reply to an Application About a Family Law Matter (with Counter Application)]* for filing a reply;

(c) any applicable additional documents, as described in rules 25 *[additional requirements when applying for certain orders]* and 26 *[additional documents required when applying for orders about guardianship]*.

(2) If a certificate of service is required under these rules, an adult who serves documents under subrule (1) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide it to the party who filed the application about the family law matter.

(3) If a reply is not filed under Division 2 *[Family Law Matter Reply and Counter Application]* within 30 days of service of an application about a family law matter under subrule (1), the party applying for an order about a family law matter must file the certificate of service.

Division 2 – Family Law Matter Reply and Counter Application

Reply to application about family law matter

28 (1) A party who is served with an application about a family law matter may file a reply in accordance with this rule.

(2) To reply to an application about a family law matter that has been filed in a registry other than an early resolution registry, a party must

(a) file a reply in Form 6 *[Reply to an Application About a Family Law Matter (with Counter Application)]*, and

(b) if the application about the family law matter is about child support or spousal support, file a financial statement in Form 4 *[Financial Statement]* with the party's reply.

(3) To reply to an application about a family law matter that has been filed in an early resolution registry, a party must

(a) meet the early resolution requirements described in rule 11 *[early resolution requirements must be met before reply filed]*, and

(b) after having met the early resolution requirements, file the materials referred to in subrule (2) (a) and (b), as applicable.

(4) A reply and, if applicable, a financial statement must be filed by a party within 30 days after the date that the party is served the application about the family law matter.

Content of reply

29 In a reply, a party may do any of the following:

(a) agree with one or more of the orders applied for in the application about the family law matter;

(b) disagree with one or more of the orders applied for in the application about the family law matter;

(c) include a counter application in accordance with rule 30.

Counter applications

30 (1) In a reply, a party may include a counter application to apply for an order about a different family law matter that was not included in the application about the family law matter.

(2) A party must file the applicable additional documents described in rule 25 *[additional requirements when applying for certain orders]* with the counter application if the counter application is about any of the following:

(a) an existing order or agreement;

(b) child support;

(c) appointment as a guardian;

(d) spousal support.

(3) If a counter application is for an order about guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act*, the party making the counter application must file the documents described in rule 26 (1) *[additional documents required when applying for orders about guardianship]*.

(4) The time limit for filing described in rule 26 (2) *[additional documents required when applying for orders about guardianship]* and the periods set out in rule 26 (3) apply to the documents referred to in subrule (3) of this rule.

If no reply filed

31 If a party does not file a reply within 30 days in accordance with rule 28 *[reply to application about a family law matter]*,

(a) the party is not entitled to receive notice of any part of the proceedings, including any court appearance, and

(b) a judge or family justice manager may make orders in the absence of the party.

Judge or family justice manager may direct matters if party does not file reply

32 Despite rule 31 *[if no reply filed]*, a judge or family justice manager may

(a) direct that a party who does not file a reply under rule 28 *[reply to application about family law matter]* receive notice of and attend a family management conference or another conference or hearing, and

(b) issue a summons in Form 31 *[Summons – General]*.

Copy to filing party

33 The registry, within 21 days after a reply is filed under rule 28 *[reply to application about family law matter]*, must provide a copy of the following to the party who filed the application about the family law matter, as applicable:

(a) the reply;

(b) the counter application included with the reply;

(c) all documents filed with the reply and counter application.

Replying to counter application

34 A party who is replying to a counter application must file and serve on each other party the following within 30 days after the date that the party receives the reply with counter application:

(a) a reply to the counter application in Form 8 *[Reply to a Counter Application]*;

(b) if applicable, a financial statement in Form 4 *[Financial Statement]*.

PART 4 – FAMILY MANAGEMENT CONFERENCES

Division 1 – Application and Purpose

Application of Part

35 The rules set out in this Part apply in all registries.

Purpose of family management conference

36 (1) The purpose of a family management conference is to provide an informal and time-limited process in which the judge or family justice manager

(a) assists the parties to identify the issues to be resolved,

(b) explores options to resolve the issues,

(c) is able to make orders and directions under Division 2 *[Case Management Orders]* of Part 5 *[Applying for Other Orders]* based on information provided by or on behalf of the parties to ensure that a file is ready to proceed to the next step in the process,

(d) is able to make interim orders under rule 50 *[interim orders]* to address needs until the parties resolve their family law matters, and

(e) is able to make orders under

(i) rule 31 *[if no reply filed]*, if a party does not file a reply,

(ii) rule 52 *[consent orders]*, by consent of the parties, and

(iii) rule 54 *[orders made in the absence of a party – judge]* or 55 *[orders made in the absence of a party – family justice manager]*, in the absence of a party.

(2) A judge at a family management conference may make any other orders or directions as appropriate in addition to those referred to in subrule (1) (c).

Division 2 – Scheduling Family Management Conference

Scheduling family management conference if reply filed

37 Subject to rules 39 *[requirements to be met before scheduling family management conference in family justice registry]* and 40 *[requirements to be met before scheduling family management conference in parenting education registry]*, if an application about a family law matter and a reply have been filed, the registry must provide the parties with information about the procedure for scheduling a family management conference.

Scheduling family management conference if no reply filed

38 Subject to rules 39 *[requirements to be met before scheduling family management conference in family justice registry]* and 40 *[requirements to be met before scheduling family management conference in parenting education registry]*, if a party has filed an application about a family law matter and

(a) a reply has not been filed,

(b) based on the certificate of service, at least 30 days have passed since the application about the family law matter was served, and

(c) if applicable, the party has met the early resolution requirements under rule 10 *[early resolution requirements must be met before application filed]*,

the registry must provide that party with information about the procedure for scheduling a family management conference.

[am. B.C. Reg. 236/2020, Sch. 2, s. 5.]

Requirements to be met before scheduling family management conference in family justice registry

39 (1) If a case is in a family justice registry, the registry may not provide a party with information about the procedure for scheduling a family management conference unless a party has filed a referral request in Form 21 *[Referral Request]* following the completion of a needs assessment.

(2) The registry may not schedule a family management conference for a case in a family justice registry unless a party has filed

(a) a referral request in Form 21 *[Referral Request]* following the completion of a needs assessment, and

(b) one of the following:

(i) a certificate of completion of a parenting education program;

(ii) a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]*.

Requirements to be met before scheduling family management conference in parenting education registry

40 The registry may not schedule a family management conference for a case in a parenting education registry unless at least one party has filed

(a) a certificate of completion of a parenting education program, or

(b) a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]*.

Attendance for preparing for subsequent hearing

41 The parties may be required to attend a family management conference to prepare for a hearing, even if Part 3 *[Application About Family Law Matters]* does not apply to the parties, if one of the parties has applied for one of the following orders:

(a) enforcing, changing or setting aside a filed determination of a parenting coordinator;

(b) prohibiting the relocation of a child under section 69 *[orders respecting relocation]* of the *Family Law Act*;

(c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*:

(i) section 61 *[denial of parenting time or contact]*;

(ii) section 62 *[when denial is not wrongful]*;

(iii) section 212 *[orders respecting disclosure]*;

(iv) section 213 *[enforcing orders respecting disclosure]*;

(v) section 228 *[enforcing orders respecting conduct]*;

(vi) section 230 *[enforcing orders generally]*.

Intention to proceed – family management conferences

42 (1) A notice of intention to proceed with an application about a family law matter must be filed in accordance with subrule (2) if

(a) a party has filed an application about a family law matter,

(b) there is no final order in respect of the application, and

(c) more than one year has passed since the parties have taken any step under these rules.

(2) If subrule (1) applies, before a party may proceed,

(a) the party must file a notice of intention to proceed in Form 2 *[Notice of Intention to Proceed]*, serve it on each other party and file a certificate of service, and

(b) the parties must participate in a family management conference.

Division 3 – Attendance and Procedural Matters for Family Management Conference

Attendance at family management conference

43 If a family management conference is scheduled, all parties to an application about a family law matter must attend the family management conference.

Lawyer attendance at family management conference

44 A lawyer for each party may attend a family management conference with the party.

Family management conference may proceed

45 A family management conference may proceed without a party who

(a) does not file a reply, or

(b) does not attend.

Information presented in family management conferences

46 For the purposes of a family management conference, the judge or family justice manager may require a party to provide the following for consideration:

(a) information provided in an application about a family law matter, reply and reply to counter application, if any;

(b) evidence provided in a financial statement;

(c) evidence given orally on oath or affirmation;

(d) affidavit evidence;

(e) submissions.

Judge or family justice manager

47 A family management conference may take place before a judge or a family justice manager, as applicable, in accordance with Division 4 *[Family Management Conference Proceedings]*.

Division 4 – Family Management Conference Proceedings

Case management orders

48 (1) A judge at a family management conference may, based on information provided by or on behalf of the parties, make orders under rule 62 *[case management orders – judge]* to ensure that a file is ready to proceed to the next step in the process.

(2) A family justice manager at a family management conference may, based on information provided by or on behalf of the parties, make orders under rule 63

[case management orders – family justice manager] to ensure that a file is ready to proceed to the next step in the process.

Completion of requirements

49 A judge or a family justice manager at a family management conference may make an order that a party complete the following, as applicable:

(a) the early resolution requirements described in rule 10 *[early resolution requirements must be met before application filed]*;

(b) the family justice registry requirements described in rule 89 *[requirements in family justice registries]*;

(c) the parenting education program registry requirements described in rule 100 *[requirements in parenting education program registries]*.

Interim orders

50 A judge or a family justice manager at a family management conference may make interim orders, including interim orders about one or more of the following:

(a) parental responsibilities;

(b) parenting time;

(c) child support;

(d) contact with a child;

(e) guardianship of a child;

(f) spousal support;

(g) property division in respect of a companion animal.

[am. B.C. Reg. 214/2023, s. 6.]

Interim orders for guardianship

51 (1) A judge or a family justice manager at a family management conference may make an interim order for guardianship under section 51 *[orders respecting guardianship]* of the *Family Law Act* without an affidavit in Form 5 *[Guardianship Affidavit]* having been filed if the judge or family justice manager is satisfied that it is in the best interests of the child that an interim order for guardianship be made before that affidavit is filed.

(2) An interim order for guardianship under subrule (1), unless renewed by a judge or family justice manager,

(a) may not exceed a term of 90 days after the date the order is made, and

(b) if no term is specified, expires 90 days after the date the order is made.

Consent orders

52 (1) Subject to subrule (2), a judge or a family justice manager at a family management conference may make orders with the consent of the parties, including final orders about one or more of the following:

(a) parental responsibilities;

(b) parenting time;

(c) child support;

(d) contact with a child;

(e) guardianship of a child;

(f) spousal support;

(g) property division in respect of a companion animal.

(2) A family justice manager at a family management conference may not make a final order about guardianship of a child under subrule (1).

[am. B.C. Reg. 214/2023, s. 6.]

Conduct orders

53 (1) Subject to subrule (2), a judge or a family justice manager at a family management conference may make any conduct order that may be made under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*, including the following:

(a) prohibiting a party from making an application respecting any matter over which a parenting coordinator has authority to act under an agreement or order, other than an application to change or set aside a parenting coordinator determination, without permission of the judge, under section 223 *[orders respecting case management]* of the *Family Law Act*;

(b) requiring the parties to participate in family dispute resolution, under section 224 (1) (a) *[orders respecting dispute resolution, counselling and programs]* of the *Family Law Act*;

(c) requiring one or more of the parties, or a child, to attend counselling, specified services or programs, under section 224 (1) (b) of the *Family Law Act*;

(d) allocating or requiring one party to pay the fees related to family dispute resolution, counselling, specified services or programs, if the party is ordered to attend, under section 224 (2) of the *Family Law Act*;

(e) setting restrictions or conditions respecting communications between parties, including respecting when or how communications may be made, under section 225 *[orders restricting communications]* of the *Family Law Act*, unless it would be more appropriate for a protection order to be made under Part 9 *[Protection from Family Violence]* of that Act;

(f) reporting to the court or to a person named by the judge at the time and in the manner specified, under section 227 *[other orders respecting conduct]* of the *Family Law Act*.

(2) A family justice manager at a family management conference may not make the following conduct orders under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*:

(a) an order under section 223 (1) (a) or (c) *[orders respecting case management]* of the *Family Law Act*;

(b) an order under section 227 (a) *[other orders respecting conduct]* of the *Family Law Act*, unless the order is made with the consent of the parties.

Orders made in the absence of a party – judge

54 (1) A judge at a family management conference may make an order, including a final order, in the absence of a party.

(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance:

(a) an application for a case management order in Form 10 *[Application for Case Management Order]*;

(b) any supporting evidence or documents.

(3) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that

(a) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order, and

(b) either of the following apply:

(i) the absent party did not receive notice of the application or family management conference;

(ii) there is a good reason to change, suspend or cancel the order.

Orders made in the absence of a party – family justice manager

55 (1) A family justice manager at a family management conference may make an order, other than a final order, in the absence of a party.

(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance:

(a) an application for a case management order in Form 10 *[Application for Case Management Order]*;

(b) any supporting evidence or documents.

(3) A family justice manager may change, suspend or cancel an order made by a family justice manager in the absence of a party if the family justice manager determines that

(a) the absent party applied in accordance with subrule (2) within a reasonable time for the change, suspension or cancellation of the order, and

(b) either of the following apply:

(i) the absent party did not receive notice of the application or family management conference;

(ii) there is a good reason to change, suspend or cancel the order.

Directions or orders to attend

56 A judge or family justice manager at a family management conference may order or direct that a party

(a) participate in consensual dispute resolution,

(b) return for another family management conference,

(c) attend a family settlement conference,

(d) attend a trial preparation conference, or

(e) attend a hearing or trial.

Family justice manager may not change orders made by judges

57 A family justice manager at a family management conference may not change, suspend or cancel an order made by a judge.

Division 5 – Review of Orders Made By Family Justice Managers

Review of orders or directions made by family justice manager

58 (1) A party may, with permission of a judge, seek review of an order or direction made by a family justice manager under these rules by filing the following within 14 days after the date that the order or direction was made:

(a) an application for permission and review in Form 9 *[Application for Permission and Review of Family Justice Manager Order or Direction]*;

(b) a copy of the order or direction to be reviewed;

(c) any supporting evidence or documents.

(2) The party seeking review of an order or direction must serve the documents filed under subrule (1) on each other party at least 7 days before the date referred to in the application for the court appearance.

(3) In granting permission for review of an order or direction, a judge may consider if

(a) the order or direction conflicts with any other order or direction in respect of the parties,

(b) the order or direction is correct, and

(c) the proposed review involves matters of sufficient importance.

(4) A judge who grants permission for review of an order or direction may do the following:

(a) impose any appropriate terms for the review;

(b) give directions about notice of the hearing of the review.

PART 5 – APPLYING FOR OTHER ORDERS

Division 1 – General

Application of Part

59 The rules set out in this Part apply in all registries.

Orders to which this Part applies

60 The rules in this Part apply to applications for the following:

(a) case management orders;

(b) protection orders under Part 9 *[Protection from Family Violence]* of the *Family Law Act*;

(c) orders about priority parenting matters;

(d) orders about relocation;

(e) orders by consent, without a hearing.

Division 2 – Case Management Orders

Case management orders at any time

61 Case management orders under this Division may be made at any time.

Case management orders – judge

62 A judge may make orders to manage a case, including orders about the following:

(a) transferring a court file to another registry for all purposes or specific purposes;

(b) relating to the management of a court record, file or document, including access to a court file;

(c) correcting or amending a filed document, including the correction of a name or date of birth;

(d) setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 *[Financial Statement]*;

(e) specifying or requiring information that must be disclosed by a person who is not a party to a case;

(f) requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*;

(g) requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*;

(g.1) authorizing an official of the court, in accordance with section 10 *[authorization – information for the establishment or variation of a support provision or the enforcement of a family provision]* of the *Family Orders*

and Agreements Enforcement Assistance Act (Canada), to make an application under section 12 of that Act for the release of information;

(h) recognizing an extraprovincial order other than a support order;

(i) waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document;

(j) waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction of a judge, even after the time limit has expired;

(k) allowing a person to attend a court appearance by another method of attendance;

(l) adjourning a court appearance;

(m) respecting the conduct of a party or management of a case, including pre-trial and trial process and evidence disclosure, as set out in rule 112 (1) (i) *[what happens at trial preparation conference]* of these rules;

(n) relating to a report under section 211 *[orders respecting reports]* of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness;

(o) adding or removing a party to a case, including leave to intervene under section 204 (2) *[intervention by Attorney General or other person]* of the *Family Law Act*;

(p) respecting the appointment of a lawyer to represent

(i) the interests of a child, or

(ii) a party;

(q) settling or correcting the terms of an order made under these rules;

(r) cancelling a subpoena.

[am. B.C. Regs. 302/2021, Sch. 1, s. 3; 219/2023, Sch. 2, s. 1.]

Case management orders – family justice manager

63 (1) A family justice manager may make one or more case management orders that may be made by a judge under the following rules:

(a) rule 62 (a) to (i);

(b) rule 62 (o) or (p), provided that the order is made

(i) at least 60 days before the date set for the hearing or trial, if no trial preparation conference is scheduled, or

(ii) before the trial preparation conference, if a trial preparation conference is scheduled.

(2) A family justice manager may make one or more of the following case management orders:

(a) waiving or modifying any requirement under Parts 1 *[Purpose and Interpretation]* to 4 *[Family Management Conferences]* that is within the jurisdiction of a family justice manager, including any related time limit set by an order or direction of a family justice manager, even after the time limit has expired;

(b) allowing a person to attend a court appearance before a family justice manager by another method of attendance;

(c) adjourning a court appearance, including adjourning a hearing or trial before the date set for the hearing or trial;

(d) respecting the conduct of a party or management of a case, other than orders relating to pre-trial and trial processes and evidence disclosure, as set out in rule 112 (1) (i) *[what happens at trial preparation conference]* of these rules;

(e) relating to a report under section 211 *[orders respecting reports]* of the *Family Law Act*, other than requiring that a person who prepared the report attend a trial as a witness;

(f) settling or correcting the terms of an order made by a family justice manager under these rules.

[am. B.C. Reg. 302/2021, Sch. 1, s. 4.]

Applying for case management orders

64 A party applying for a case management order under rule 62 or 63 must file and serve on each other party and every other person who may be directly affected by the case management order the following, at least 7 days before the date referred to in the application for the court appearance:

(a) an application for a case management order in Form 10 *[Application for Case Management Order]*;

(b) any supporting evidence or documents.

Case management orders – without notice or attendance

65 (1) A party may apply for the case management orders described in rules 62 (g) to (k) *[case management orders – judge]* and 63 (2) (a) or (b) *[case management orders – family justice manager]* without notice to any other parties or without attending before the court by filing an application for case management order without notice or attendance in Form 11 *[Application for Case Management Order Without Notice or Attendance]*.

(2) A judge or family justice manager considering an application under this rule for a case management order without notice or attendance may do any of the following:

(a) approve and sign the order without the attendance of the parties;

(b) give directions to obtain further information or evidence, including a direction requiring that the parties attend court;

(c) require that notice be given to any other parties;

(d) reject the application with reasons.

(3) If a case management order is made without notice under this rule, the party who applied for the order must serve on each other party the following:

(a) the case management order that is made;

(b) the application for the case management order without notice or attendance;

(c) any supporting evidence or documents.

[am. B.C. Reg. 126/2021, Sch. 1, s. 5.]

Case management order – *Family Orders and Agreements Enforcement Assistance Act* (Canada)

65.1 (1) Despite rule 61, a case management order described in rule 62 (g.1) must be made only if a party files an application in Form 10 *[Application for Case Management Order]* or 11 *[Application for Case Management Order Without Notice or Attendance]* that meets the requirements of section 8 or 9 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), as the case may be.

(2) For certainty, if the application referred to in subrule (1) is made by an individual without notice, the application must be accompanied by the results of a recent criminal record check in respect of the individual and an affidavit that meets the requirements of section 8 (1) (a), (2) and (3) (b) or 9 (1) (a), (2) and (3) (b) of that Act, as the case may be.

(3) On application for a case management order described in rule 62 (g.1), the court may consider the following:

(a) in the case of an application made by an individual without notice, whether or not to make an order under section 11 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), requiring that the federal minister not send to the person referred to in section 8 (2) (a) or 9 (2) (a) of that Act, as the case may be, a copy of the order that authorizes the making of the application and a notice informing the person that information will be released;

(b) in the case of an application that is in relation to the establishment or variation of a support provision or the enforcement of a family provision, as those terms are defined in the *Family Orders and Agreements Enforcement Assistance Act* (Canada),

(i) whether or not to authorize, without further order of the court, the disclosure under section 13 (3) of that Act of any information received by the court as a result of the order to the parties or any other person, service or body or official of the court that it considers appropriate, and

(ii) if disclosure of information is authorized, whether or not to make an order under section 13 (3) of that Act to protect the confidentiality of the information.

(4) Despite rule 65 (3), in the case of an application for a case management order described in rule 62 (g.1) that is made by an individual without notice, the court may order that the requirement under rule 65 (3) to serve the materials referred to in that provision does not apply.

[en. B.C. Reg. 219/2023, Sch. 2, s. 2.]

Division 3 – Protection Orders

Priority – protection orders

66 If a party is applying for both an order about a protection order under Part 9 *[Protection from Family Violence]* of the *Family Law Act* and an order about a family law matter, the application for the order about the protection order may be made before complying with the following, as applicable:

(a) the early resolution requirements under rule 10 *[early resolution requirements must be met before application filed]* of these rules;

(b) the family justice registry requirements under rule 89 *[requirements in family justice registries]* of these rules;

(c) the parenting education program registry requirements under rule 100 *[requirements in parenting education program registries]* of these rules.

Applying for *Family Law Act* protection orders or to change or terminate protection orders – without notice

67 (1) A person who is applying for an order about the following, without notice, must file an application about a protection order in Form 12 *[Application About a Protection Order]* and any supporting evidence or documents:

(a) a protection order under section 183 *[orders respecting protection]* of the *Family Law Act*;

(b) to change a term or condition of, or to terminate, a protection order under section 187 *[changing or terminating orders respecting protection]* of the *Family Law Act*.

(2) A person who is applying for an order about a protection order under subrule (1) must include with the application a statement of the reasons why the application is being made without notice.

Applying for *Family Law Act* protection orders or to change or terminate protection orders – with notice

68 (1) A person who is applying for an order about the following must file an application about a protection order in Form 12 *[Application About a Protection Order]* and any supporting evidence or documents:

(a) a protection order under section 183 *[orders respecting protection]* of the *Family Law Act*;

(b) to change a term or condition of, or to terminate, a protection order under section 187 *[changing or terminating orders respecting protection]* of the *Family Law Act*.

(2) If a person is applying for an order about a protection order under subrule (1), the person must ensure the personal service of the application and supporting evidence or documents by having an adult who is not a party leave a copy of the application and supporting evidence or documents with the other party at least 7 days before the date referred to in the application for the court appearance.

(3) The adult who serves the application under subrule (2) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide the certificate to the person applying for an order about a protection order.

Evidence at protection order hearing

69 Evidence at a hearing about a protection order under rule 67 *[applying for Family Law Act protection orders or to change or terminate protection orders – without notice]* or 68 *[applying for Family Law Act protection orders or to change or terminate protection orders – with notice]* may be provided

(a) orally on oath or affirmation, or

(b) by affidavit.

Form of orders

70 A protection order made under Part 9 *[Protection from Family Violence]* of the *Family Law Act* must be in Form 13 *[Protection Order]* of these rules and does not need to be signed by the parties or their lawyers.

Judge to make new protection order

71 If a judge changes a term or condition of an existing protection order, including an extension of the protection order, the judge must terminate the existing protection order and make a new protection order.

What happens if protection order is made or changed

72 (1) If a judge makes or changes a protection order in accordance with this Division, a clerk must, as soon as possible,

(a) prepare the protection order, unless the judge directs otherwise,

(b) provide a copy of the protection order to the protection order registry,

(c) arrange service or provide a copy of the protection order on or to the party against whom the protection order was made or changed, as follows:

(i) if that party is present when the order is made or changed, provide the party with the protection order;

(ii) if that party is not present when the order is made or changed, arrange for the personal service of the protection order on that party within British Columbia;

(iii) if the registry is unable to arrange service under subparagraph (ii) or that party is evading service, notify the person who obtained the order and that person would subsequently be responsible for service, and

(d) provide a copy of the protection order to the person who applied for the order.

(2) If the party against whom a protection order is made or changed is not present when the order is made or changed, the party who obtained the order must provide the registry with information about the location of the party against whom the order is made or changed for the purposes of the registry arranging service under subrule (1) (c) (ii).

What happens if protection order is terminated

73 If a judge terminates a protection order, a clerk must, as soon as possible,

(a) prepare the order terminating a protection order in Form 14 *[Order Terminating a Protection Order]*, unless the judge directs otherwise,

(b) provide a copy of the termination order to the protection order registry, and

(c) provide a copy of the termination order to the parties.

No limitation on protection order applications

74 A person may make subsequent applications about protection orders, including in the following circumstances:

(a) an earlier application for a protection order was denied or dismissed;

(b) the protection order has expired;

(c) the protection order has been changed or terminated.

Division 4 – Orders About Priority Parenting Matters

Priority – priority parenting matters

75 If a party is applying for both an order about a priority parenting matter and an order about a family law matter, the application for the order about the priority parenting matter may be made before complying with the following, as applicable:

(a) the early resolution requirements under rule 10 *[early resolution requirements must be met before application filed]*;

(b) the family justice registry requirements under rule 89 *[requirements in family justice registries]*;

(c) the parenting education program registry requirements under rule 100 *[requirements in parenting education program registries]*.

Applying for orders about priority parenting matters

76 Subject to rule 78 *[priority parenting matters – without notice]*, a party who is applying for, or applying to change a term or condition of or to cancel, an order about a priority parenting matter must file and serve on each other party

(a) the application for an order about a priority parenting matter in Form 15 *[Application About Priority Parenting Matter]*, and

(b) any supporting evidence or documents.

Priority parenting matters – notifying other party

77 (1) Subject to rule 78 *[priority parenting matters – without notice]*, if a party is applying for an order about a priority parenting matter, the party must ensure that the application and supporting evidence or documents are served as follows:

(a) if there is an address, an email address or a fax number provided for the address for service on the court file for the party to be served, there may be service

(i) by leaving the documents at the party's address for service,

(ii) by mailing the documents by ordinary mail to the party's address for service,

(iii) by emailing the documents to the party's email address, or

(iv) by faxing the documents to the party's fax number;

(b) if there is no address for service on the court file for the party to be served, there may be personal service

(i) by having an adult who is not a party leave the documents with the party to be served, or

(ii) as otherwise ordered for the service of the application and supporting evidence or documents.

(2) An application and supporting evidence or documents must be served

(a) at least 7 days before the date referred to in the application for the court appearance, or

(b) if a period shorter than 7 days is required, in accordance with an order from the court.

(3) An adult who serves documents under subrule (1) must complete a certificate of service in Form 7 *[Certificate of Service]* and provide it to the person applying for an order about a priority parenting matter.

Notice to director

77.1 If a party is applying for an order described in paragraph (h) of the definition of "priority parenting matter", the party must serve the director under the *Child, Family and Community Service Act* with a copy of the application.

[en. B.C. Reg. 302/2021, Sch. 1, s. 5.]

Priority parenting matters – without notice

78 (1) A party may apply for an order to waive or modify the requirement under rule 77 *[priority parenting matters – notifying other party]* to serve another party by

filing Form 11 *[Application for Case Management Order Without Notice or Attendance]*.

(2) If a judge determines that notice of an application made under rule 76 *[applying for orders about priority parenting matters]* should be given to a party, the judge may make any directions the judge considers appropriate, including

(a) the date for the hearing,

(b) the amount of notice, and

(c) how notice must be given.

Presenting evidence – priority parenting matters

79 Evidence at a hearing about a priority parenting matter under rule 76 *[applying for orders about priority parenting matters]* may be provided

(a) orally on oath or affirmation, or

(b) by affidavit.

Division 5 – Orders About Relocation

Applying for orders about relocation

80 (1) This rule applies if

(a) a party is applying for an order under section 69 *[orders respecting relocation]* of the *Family Law Act* prohibiting the relocation of a child, and

(b) a written agreement or order referred to in section 65 *[definition and application]* of the *Family Law Act* respecting parenting arrangements or contact with the child applies to the child.

(2) A party who is applying for an order under section 69 *[orders respecting relocation]* of the *Family Law Act* prohibiting the relocation of a child must file and serve the following on each other party, at least 7 days before the date referred to in the application for the court appearance:

(a) an application for an order prohibiting the relocation of a child in Form 16 *[Application for Order Prohibiting the Relocation of a Child]*;

(b) a copy of the applicable written agreement or order referred to in section 65 *[definition and application]* of the *Family Law Act*;

(c) a copy of, or the details about, the notice of relocation described in section 66 *[notice of relocation]* of the *Family Law Act*.

(3) For certainty, this rule does not apply if

(a) there is no written agreement or order respecting parenting arrangements that applies in respect of a child, and

(b) a party is seeking an order under section 46 *[changes to child's residence if no agreement order]* of the *Family Law Act* in respect of the child.

Division 6 – Consent Orders

Applying for consent orders about family law matters

81 The parties who are applying for an order about a family law matter by consent must file the following:

(a) an application for a consent order in Form 17 *[Application for a Family Law Matter Consent Order]*;

(b) a draft consent order in Form 18 *[Consent Order]* signed by the parties or their lawyers;

(c) any applicable additional documents, as described in

(i) rule 25 *[additional requirements when applying for certain orders]*, and

(ii) rule 26 *[additional documents required in relation to orders about guardianship]*, in accordance with that rule.

[am. B.C. Reg. 126/2021, Sch. 1, s. 6.]

Consideration of consent orders

82 A judge considering an application for a family law matter consent order may do the following:

(a) approve and sign the consent order without the parties' attendance at court;

(b) give directions to obtain further information or evidence, including to require that the parties attend court;

(c) make changes to the draft consent order and, if the parties consent to the changes, require that the parties attend the registry to review and sign the changes;

(d) reject the application with reasons.

Applying for consent orders about case management

83 (1) The parties applying for a consent order about a case management order must file an application for a case management order in Form 10 *[Application for Case Management Order]* and must specify in that form whether the parties are requesting a court appearance.

(2) If the parties specify in Form 10 that they are not requesting a court appearance, the parties must file a draft consent order in Form 18 *[Consent Order]* signed by the parties or their lawyers.

(3) A judge or family justice manager considering an application for a consent order about a case management order may do the following:

(a) approve and sign the consent order without the parties' attendance at court;

(b) give directions to obtain further information or evidence, including to require that the parties attend court;

(c) make changes to the draft consent order and, if the parties consent to the changes, require that the parties attend the registry to review and sign the changes;

(d) reject the application with reasons.

General process for consent orders

84 (1) If an application is made for a consent order without the attendance of the parties at court, a clerk must place the application, draft consent order and supporting documents before a judge, or a family justice manager if the consent order is within the jurisdiction of the family justice manager.

(2) If a direction is given under rule 82 (b) or (c) *[consideration of consent orders]* or 83 (3) (b) or (c) *[applying for consent orders about case management]*, the parties and any other person specified by the judge or family justice manager must be notified by the clerk and the notification must include the date, time and place for the court appearance and any other information in the direction.

(3) If a consent order is made, a clerk must provide a filed copy of the consent order to the parties or their lawyers.

(4) Parties who have applied for a consent order and have had their application rejected must include a copy of the reasons for rejection with subsequent related applications for consent orders.

Consent orders at any time

85 The parties may consent to an order at any time during a court appearance, providing any evidence that the judge or family justice manager may require.

Division 7 – Replying to Applications for Other Orders

Replying to applications

86 (1) If a party is served with an application under this Part and chooses to reply, the party

(a) must attend court on the date and time referred to in the application for the court appearance, and

(b) may file a written response in reply to the application in Form 19 *[Written Response to Application]*.

(2) If a party chooses to file a written response in reply under subrule (1) (b), the party must file and serve the written response on each other party before the date referred to in the application for the court appearance.

PART 6 – FAMILY JUSTICE REGISTRIES

Application of Part

87 The rules set out in this Part apply in the following family justice registries, as set out in rule 6 (b) *[Parts that apply in certain registries]*:

(a) Kelowna;

(b) Nanaimo;

(c) Vancouver (Robson Square).

[en. B.C. Reg. 236/2020, Sch. 2, s. 6.]

Definition

88 In this Part, **"certificate of completion"** means a certificate issued on behalf of the Ministry of Attorney General attesting that the person named has completed a parenting education program.

Requirements in family justice registries

89 (1) Before attending a family management conference under Part 4 *[Family Management Conferences]*, parties seeking resolution of a family law matter in a family justice registry must meet the requirements described in subrule (2).

(2) Unless otherwise provided in these rules, each party must

(a) participate in a needs assessment under rule 93 *[participating in needs assessment in family justice registries]*, and

(b) complete a parenting education program under rule 94 *[completing parenting education program in family justice registries]*.

Exceptions to family justice registry requirements

90 (1) The family justice registry requirements described in rule 89 (2)

(a) do not apply if the application about a family law matter is only for support and that party has assigned support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,

(b) cease to apply if the court file for the case is transferred under rule 62 *[case management orders – judge]* or 63 *[case management orders – family justice manager]* to a registry that is not a family justice registry, and

(c) are not required if a party is only applying for one or more orders under Part 5 *[Applying for Other Orders]* or Part 10 *[Enforcement]*.

(2) For certainty, if a party applies for an order about a family law matter and

(a) an order about a protection order under Part 9 *[Protection from Family Violence]* of the *Family Law Act*, or

(b) a priority parenting matter,

the party may apply for the order about the protection order or the priority parenting matter before complying with the family justice requirements described in rule 89 (2).

[am. B.C. Reg. 126/2021, Sch. 1, s. 7.]

Certain parties exempt from requirements

91 A party who is the government, a minister or a public officer is not required to meet the requirements that apply to a party under this Part.

First referral by clerk

92 After a party files an application about a family law matter or a reply to an application about a family law matter, a clerk must refer the parties to a needs assessor for a needs assessment under rule 93 *[participating in needs assessment in family justice registries]*.

Participating in needs assessment in family justice registries

93 Unless otherwise provided in these rules, each party must participate individually in a needs assessment conducted by a needs assessor for the following:

(a) assistance with identifying legal and non-legal needs;

(b) information about resolving issues, including

(i) how to resolve family law matters and other issues out of court, and

(ii) next steps in the court process;

(c) provision of

(i) a referral to an appropriate parenting education program, or

(ii) an exemption from a parenting education program under Part 7 *[Parenting Education Program Registries]*;

(d) referrals to other resources, including where and how

(i) to seek legal advice,

(ii) to access legal information,

(iii) to access resources for issues that are not legal in nature, and

(iv) to access resources for children dealing with family changes;

(e) referrals to consensual dispute resolution or to another family dispute resolution professional, if appropriate;

(f) assessment of any risk of family violence;

(g) referrals to other resources for individuals and families experiencing or concerned about family violence.

Completing parenting education program in family justice registries

94 (1) Each party must complete a parenting education program unless a local manager of the Family Justice Services Division of the Ministry of Attorney General, or a designate of the local manager, exempts that party because

(a) the party cannot access an online version,

(b) the parenting education program is not offered in a language in which the party is fluent,

(c) the party cannot complete an online version due to literacy challenges,

(d) the party cannot complete the parenting education program due to a serious medical condition, or

(e) a consent order is filed that resolves all issues involving children.

(2) To request an exemption from the requirement under subrule (1), a party must submit a request for exemption in Form 20 *[Notice of Exemption from Parenting Education Program]* to the Family Justice Services Division of the Ministry of Attorney General for approval.

(3) The requirement under subrule (1) to complete a parenting education program does not apply if

(a) the party has already completed the parenting education program in the 2 years before the date of the family management conference,

(b) the family law matter is related only to spousal support,

(b.1) the family law matter is related only to property division in respect of a companion animal,

(b.2) the family law matter is related to both spousal support and property division in respect of a companion animal, or

(c) every child involved in the family law matter has reached 19 years of age.

(4) A party may demonstrate completion of or exemption from the parenting education program by filing one of the following, as applicable:

(a) a certificate of completion;

(b) a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]*.

[am. B.C. Regs. 126/2021, Sch. 1, s. 8; 214/2023, s. 7.]

Referral to judge after demonstrating completion of or exemption from parenting education program

95 At any time after having met the family justice registry requirements described in rule 89 (2) *[requirements in family justice registries]*, a party may request to attend a family management conference on one or more issues in the case by filing a referral request in Form 21 *[Referral Request]*.

Scheduling family management conferences

96 After the parties have filed a referral request in Form 21 *[Referral Request]* and a party has demonstrated completion or exemption of a parenting education program, the registry must provide the parties with information about the procedure for scheduling a family management conference under Part 4 *[Family Management Conferences]*.

PART 7 – PARENTING EDUCATION PROGRAM REGISTRIES

Application of Part

97 The rules set out in this Part apply to all registries other than

(a) early resolution registries, and

(b) family justice registries.

[en. B.C. Reg. 302/2021, Sch. 1, s. 6.]

Transition – parenting education program registries

97.1 The rules set out in this Part do not apply in respect of an application about a family law matter if

(a) the application was filed before January 4, 2022, and

(b) the registry in which the application was filed was not a parenting education program registry at the time of filing.

[en. B.C. Reg. 302/2021, Sch. 1, s. 7.]

Purpose

98 The purpose of this Part is to promote the best interests of children by providing a parenting education program to persons who are in a dispute over child-related issues.

Definition

99 In this Part, **"certificate of completion"** means a certificate issued on behalf of the Ministry of Attorney General attesting that the person named has completed a parenting education program.

Requirements in parenting education program registries

100 (1) Before attending a family management conference about an application about a family law matter, each party must complete a parenting education program unless a local manager of the Family Justice Services Division of the Ministry of Attorney General, or a designate of the local manager, exempts that party because

(a) the party cannot access an online version,

(b) the parenting education program is not offered in a language in which the party is fluent,

(c) the party cannot complete an online version due to literacy challenges,

(d) the party cannot complete the parenting education program due to a serious medical condition, or

(e) a consent order is filed that resolves all issues involving children.

(2) To request an exemption from the requirement under subrule (1), a party must submit a request for exemption in Form 20 *[Notice of Exemption from Parenting Education Program]* to the Family Justice Services Division of the Ministry of Attorney General for approval.

(3) The requirement under subrule (1) to complete a parenting education program does not apply if

(a) the party has already completed the parenting education program in the 2 years before the date of the family management conference,

(b) the application about a family law matter is only for child support and that party has assigned child support rights to the government under the *Employment and Assistance Act* or the *Employment and Assistance for Persons with Disabilities Act*,

(c) the family law matter is related only to spousal support,

(c.1) the family law matter is related only to property division in respect of a companion animal,

(c.2) the family law matter is related to both spousal support and property division in respect of a companion animal, or

(d) every child involved in the family law matter has reached 19 years of age.

[am. B.C. Regs. 126/2021, Sch. 1, s. 9; 214/2023, s. 8.]

Certain parties exempt from parenting education program registry requirements

101 A party who is the government, a minister or a public officer is not required to meet the requirements that apply to a party under this Part.

Demonstrating exemption or completion

102 (1) A party who is exempted under rule 100 *[requirements in parenting education program registries]* must file a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]* before attending a family management conference.

(2) A party who completes a parenting education program must file a certificate of completion before attending a family management conference.

Requirements to be met before scheduling

103 The registry may schedule a family management conference only after at least one party has filed, as applicable,

(a) a certificate of completion, or

(b) a notice of exemption in Form 20 *[Notice of Exemption from Parenting Education Program]*.

PART 8 – FAMILY SETTLEMENT CONFERENCES

Application of Part

104 The rules set out in this Part apply in all registries.

Judge to conduct family settlement conference

105 A family settlement conference must be conducted by a judge.

Different judge to conduct family settlement conference

106 A judge who conducts a family settlement conference may conduct a trial in respect of the same issues only if no other judge is reasonably available to conduct the trial.

Attendance at family settlement conference

107 (1) If directed or ordered to attend a family settlement conference, the parties must attend and may be accompanied by a lawyer.

(2) On request of a party, the judge conducting a family settlement conference may allow a person who is not a party to attend the family settlement conference.

What happens at family settlement conference

108 (1) The purpose of a family settlement conference is to provide a process in which a judge helps the parties try to resolve any issues in dispute by agreement.

(2) At a family settlement conference, the judge may do one or more of the following:

(a) mediate any issues in disputes;

(b) make any order with the consent of the parties;

(c) make a conduct order under Division 5 *[Orders Respecting Conduct]* of Part 10 *[Court Processes]* of the *Family Law Act*;

(d) adjourn the family settlement conference for a period or generally for any purpose, including to allow the parties to comply with an order made under paragraph (b);

(e) direct or order the parties

(i) to participate in consensual dispute resolution,

(ii) to attend a further family settlement conference,

(iii) to attend a trial preparation conference, or

(iv) to attend a court appearance;

(f) make an order for disclosure of information, including financial information, that may assist readiness for a hearing or trial;

(g) give a non-binding opinion on the probable outcome of a hearing or trial.

(3) At a family settlement conference, if evidence is not required, the judge may make any order that may be made at a family management conference

(a) that may assist the parties to resolve any issues in dispute by agreement, or

(b) that may assist in readiness for a hearing or trial.

(4) A judge at a family settlement conference may make an order under subrule (3) in the absence of a party.

PART 9 – TRIALS

Division 1 – General

Application of Part

109 The rules set out in this Part apply in all registries.

Division 2 – Trial Readiness Statement

Trial readiness statement

110 Each party must file and serve a trial readiness statement in Form 22 *[Trial Readiness Statement]*

(a) at least 7 days before the date of the trial preparation conference if a trial preparation conference is scheduled, or

(b) as ordered by the court.

[am. B.C. Reg. 126/2021, Sch. 1, s. 10.]

Division 3 – Trial Preparation Conferences

Who must attend trial preparation conference

111 (1) When directed or ordered to attend a trial preparation conference, the parties or their lawyers, if any, must attend the trial preparation conference in accordance with this rule.

(2) If a party is not represented by a lawyer, the party must attend the trial preparation conference.

(3) If a party is represented by a lawyer, the party must

(a) attend the trial preparation conference with the lawyer, or

(b) be available for consultation, if the lawyer attends without the party.

(4) If a child will be represented by a lawyer at a trial, the lawyer must attend the trial preparation conference.

What happens at trial preparation conference

112 (1) A judge at a trial preparation conference may make any order or give any direction that the judge considers appropriate, including orders and direction about the following:

(a) the time required for the trial and the trial date;

(b) the evidence to be required at the trial;

(c) the procedure to be followed at the trial;

(d) how views of a child will be heard;

(e) expert witnesses, including persons who are appointed to make assessments under section 211 *[orders respecting reports]* of the *Family Law Act*;

(f) the filing and exchange of lists of documents;

(g) if any applications relating to the case have not yet been heard, requiring that those applications be heard

(i) at the trial preparation conference, or

(ii) within a period, or by a date, specified by the judge;

(h) requiring that the parties file a statement of agreed facts within a period, or by a date, specified by the judge;

(i) requiring that a party

(i) disclose information, including financial information, that may assist in readiness for trial,

(ii) allow inspection or copying of, or bring to trial, specified records that are or have been in the party's possession, power or control,

(iii) submit evidence by affidavit at the trial in accordance with any specific directions given by the judge, or

(iv) serve on each other party a written summary of the proposed evidence of a witness within a period, or by a date, specified by the judge;

(j) any other directions the judge considers appropriate to expedite the trial.

(2) A judge may determine at a trial preparation conference whether the trial will include any of the following alternative trial processes:

(a) the setting of time for the trial or parts of the trial;

(b) the type of evidence to be introduced;

(c) the number of witnesses;

(d) if family violence is an issue, alternative ways to examine and cross-examine parties.

(3) The judge at a trial preparation conference may, if necessary, adjourn the trial.

Trial judge and trial preparation conference

113 The judge who conducts the trial preparation conference is to conduct the trial, if possible.

[en. B.C. Reg. 126/2021, Sch. 1, s. 11.]

Division 4 – Trial Processes

Adjourning trial date

114 (1) A party may apply to adjourn a trial under rule 62 *[case management orders – judge]* as follows:

(a) if the application is not with the consent of the parties, more than 45 days before the scheduled trial date;

(b) if the application is with the consent of the parties, more than 7 days before the scheduled trial date;

(c) if special circumstances apply, as soon as is practicable before the scheduled trial date.

(2) Without an application by a party, the judge may adjourn a trial at any time.

Child's evidence

115 A trial judge may admit a child's evidence about a family law dispute, including hearsay evidence, in accordance with section 202 *[court may decide how child's evidence is received]* of the *Family Law Act*, in the manner that the trial judge considers appropriate.

Reports under section 211 of *Family Law Act*

116 If a report is prepared under section 211 *[orders respecting reports]* of the *Family Law Act*, the report must

(a) include the name and address for service of the person who prepared the report,

(b) include the person's qualifications, employment and educational experience, and

(c) unless otherwise ordered, be filed and served on all the parties at least 30 days before the date set for the trial.

Applications related to reports under section 211 of *Family Law Act*

117 (1) If an application under rule 62 *[case management orders – judge]* is made for an order that a person who prepared a report under section 211 *[orders respecting reports]* of the *Family Law Act* attend a trial, that person must be served with the application and supporting documents.

(2) A person who prepared a report under section 211 of the *Family Law Act* may

(a) attend a conference or hearing,

(b) file submissions on availability for a trial, or

(c) file any other information relevant to that person's attendance

to assist with the trial judge's consideration of the application described in subrule (1).

(3) If a person who prepared a report under section 211 of the *Family Law Act* was directed under an order to attend a trial and the trial judge determines that it was unnecessary to call that person as a witness, the trial judge may order the party who required that person to attend to pay to the other party the reasonable costs associated with that person's attendance.

Attendance of witnesses

118 (1) A party who requires that a witness attend a hearing or trial must

(a) complete a subpoena in Form 23 *[Subpoena to Witness]*,

(b) serve the subpoena by personal service on the witness by having an adult leave the subpoena with the witness at least 7 days before the witness is required to attend the hearing or trial, and

(c) when the subpoena is served, provide reasonable estimated travelling expenses to the witness.

(2) A witness who is served with a subpoena must

(a) attend the hearing or trial on the date and at the time and place stated on the subpoena, and

(b) bring any records and other things required by the subpoena.

(3) A witness who is served with a subpoena may, with 2 days' notice to each party, apply under rule 64 *[applying for case management orders]* to a judge for a case management order cancelling the subpoena if the witness believes that

(a) attendance as a witness should not be required, or

(b) it would be a hardship to attend the hearing or trial as required by the subpoena.

(4) An application under subrule (3) must be considered by the trial judge, if possible.

(5) A judge who cancels a subpoena may make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order adjourning the hearing or trial.

If witness does not comply with subpoena

119 (1) A trial judge may issue a warrant in Form 24 *[Warrant for Arrest After Subpoena]* for the arrest of a witness who does not attend court as required by a subpoena if the trial judge is satisfied that

(a) the subpoena was served on the witness,

(b) reasonable travelling expenses were provided to the witness, and

(c) the witness can offer relevant evidence that should be considered in making a decision about one or more of the issues in dispute.

(2) A warrant issued under subrule (1) remains in force until

(a) the witness named in the warrant attends court, whether voluntarily or under the warrant, or

(b) the warrant is cancelled.

(3) A witness who is arrested under a warrant issued under subrule (1) must, as soon as possible, be brought before the trial judge who issued the warrant.

(4) If a trial judge determines that a witness's evidence is still required, the judge may

(a) release the witness on giving the witness a release in Form 25 *[Release from Custody]* requiring the witness to attend court on the date and at the time and place stated in the release, or

(b) order a peace officer to detain the witness in custody until the witness's presence is no longer required.

(5) If it is not possible for the witness referred to in subrule (3) to be brought before the trial judge who issued a warrant under subrule (1) in a timely manner, the witness must be brought before another judge and that judge may

(a) release the witness on giving the witness a release in Form 25 requiring the witness to attend court before the trial judge on the date and at the time and place stated in the release, or

(b) order a peace officer to detain the witness in custody until it is possible for the witness to attend court before the trial judge.

Requirements for expert's report

120 (1) An expert's report that is to be introduced as evidence at a trial must be signed by the expert and must include the following:

(a) the expert's name, address and area of expertise;

(b) the expert's qualifications, employment and educational experience in the expert's area of expertise;

(c) the instructions provided to the expert about the case;

(d) the nature of the opinion being sought and the issues in the case to which the opinion relates;

(e) the expert's opinion respecting those issues;

(f) the expert's reasons for the opinion, including

(i) a description of the factual assumptions on which the opinion is based,

(ii) a description of any research conducted by the expert that led to the formation of the opinion, and

(iii) a list of the documents, if any, relied on by the expert in forming the opinion.

(2) A party may call an expert to provide opinion evidence only if the party serves a written summary of the expert's evidence on each other party

(a) at least 60 days before the expert is to give evidence, or

(b) within a shorter period if a trial judge shortens the time requirement.

(3) A party may introduce a report stating the opinions of an expert only if the party serves a copy of the report on each other party

(a) at least 60 days before the report is introduced, or

(b) within a shorter period if a trial judge shortens the time requirement.

(4) An expert report may be introduced in court without proof of the expert's signature.

(5) If a party who receives another party's expert report intends to call the expert to attend the trial for cross-examination, the party must, at least 30 days before the trial date, serve on each other party a notice requiring the expert to attend the trial for cross-examination.

(6) If a trial judge determines that it was not necessary to require a party's expert to attend, the trial judge may order the party who required the expert to attend to pay to the other party the reasonable costs associated with that expert's attendance.

(7) When giving an opinion to the court under these rules, an expert has a duty to assist the court and is not to be an advocate for any party, whether the expert is appointed by the court or is retained by a party.

(8) This rule does not apply to a report under section 211 *[orders respecting reports]* of the *Family Law Act* referred to in rule 116 *[reports under section 211 of Family Law Act]* of these rules.

Obtaining guardianship orders at trial – affidavit

121 (1) If there is a material change in any of the information contained in a party's affidavit relating to guardianship of a child under section 51 *[orders respecting guardianship]* of the *Family Law Act* between the date the affidavit was sworn and the date of the trial, the party must ensure that the affidavit is current as of the date of the trial.

(2) If a material change referred to in subrule (1) relates to information contained in any record check attached to an affidavit, the party must

(a) obtain a new record check,

(b) file a new affidavit, attaching the new record check, and

(c) serve a copy of the filed affidavit, with the new record check, on each of the parties and every other person who may be affected by the orders sought, as soon as is practicable before the scheduled trial date.

(3) If a material change referred to in subrule (1) relates to information that is not contained in a record check attached to an affidavit, the party must

(a) file a new affidavit, describing the material change, and

(b) serve a copy of the filed affidavit on each of the parties and every other person who may be affected by the orders sought, as soon as is practicable before the scheduled trial date.

Judge may refer calculation of child support

122 At any time during a trial, a judge may refer calculation of child support to a person designated by the Attorney General to provide such assistance and require that the calculation be referred back to the judge.

Judge who starts trial must continue

123 (1) A judge who has heard any evidence at a trial must finish the trial, unless the judge dies or is otherwise unable to act.

(2) If a judge who has begun to hear evidence at a trial dies or is otherwise unable to act,

(a) the trial must be heard by another judge, and

(b) the other judge may

(i) start the trial again and re-hear all the evidence, or

(ii) with the consent of the parties, continue the trial at the point at which the trial had stopped.

(3) A judge who continues a hearing under subrule (2) (b) (ii) may give directions for hearing evidence as the judge considers necessary.

Division 5 – Informal Trial Pilot Project Rules

Informal trial pilot project registry

123.1 The rules set out in this Division apply in the Kamloops informal trial pilot project registry, as set out in rule 6 (d) *[parts that apply in certain registries]*.

[en. B.C. Reg. 302/2021, Sch. 2, s. 2.]

Purpose of informal trial

124 The purpose of an informal trial is to provide a trial process in which the trial judge is able to take a facilitative role to direct, control and manage the conduct of the trial.

Availability of informal trial

125 The court may refer parties to an informal trial if

(a) the parties consent to the informal trial, and

(b) the judge conducting the trial agrees that the informal trial is appropriate.

Preliminary matters for informal trial

126 At least 7 days before the first day of an informal trial hearing, each party must file and exchange with each other party

(a) a written consent, and

(b) any information required by the court.

Informal trial process

127 (1) At an informal trial,

(a) the trial judge must

(i) explain the informal trial process to the parties and the lawyers for the parties, if any, and

(ii) confirm that the parties

(A) have elected an informal trial with knowledge and understanding of the process, and

(B) have not been threatened to agree to an informal trial or been promised anything in exchange for agreeing to an informal trial,

(b) the parties must swear or affirm that

(i) the information provided under rule 126 *[preliminary matters for informal trial]*, and

(ii) any statements made during the informal trial

are true and may be subsequently used as evidence during the informal trial and trial,

(c) the trial judge may request that each party explain the issues in dispute and, during the explanation of each party, the trial judge may inquire about any relevant issue or matter, and

(d) at the request of a party or on the trial judge's own initiative, the trial judge may allow a witness other than a party to give evidence, including a report under section 211 *[orders respecting reports]* of the *Family Law Act* or expert evidence.

(2) A trial judge at an informal trial may

(a) identify the issues to be resolved,

(b) make directions or orders regarding the type and form of evidence to be provided and any witnesses needed at trial,

(c) make any orders that are required before trial, including

(i) a protection order,

(ii) any order that may be made at a family management conference, family settlement conference or trial preparation conference, and

(iii) a final order in respect of a facilitated resolution under rule 128 (2) *[facilitated resolution]*, and

(d) make any other interim or final order.

(3) A trial judge at an informal trial

(a) may admit any evidence that is relevant, material and reliable, even if the evidence might be inadmissible under strict rules of evidence, and

(b) must determine the appropriate weight to be given to any particular evidence.

Facilitated resolution

128 (1) During the informal trial, the trial judge may attempt to facilitate a resolution of some or all of the issues.

(2) If the parties reach a facilitated agreement during the informal trial, the trial judge may make a final order on the terms agreed to by the parties.

Continuation of hearing in informal trial

129 The continuation of an informal trial must be conducted in accordance with any directions made by the trial judge.

Court may direct trial

130 (1) If a trial judge determines at any time before or during an informal trial that the informal trial is inappropriate, the trial judge may direct that a proceeding continue under Division 4 *[Trial Processes]*.

(2) If a trial judge makes a direction under subrule (1),

(a) the trial judge must determine the use to be made of any evidence already entered at the informal trial, if any, and may provide further directions, and

(b) the trial judge is seized of the matter and must hear the continuation of the trial.

PART 10 – ENFORCEMENT

Division 1 – Applying for Orders

Application of Part

131 (1) The rules set out in this Part apply in all registries.

(2) For certainty, a family justice manager has no authority under this Part.

Filing agreements

132 A party may file, using Form 26 *[Request to File an Agreement]*, a copy of a written agreement referred to in the following provisions of the *Family Law Act*:

(a) section 15 *[when parenting coordinators may assist]*;

(b) section 44 (3) *[agreements respecting parenting arrangements]*;

(c) section 58 (3) *[agreements respecting contact]*;

(c.1) section 92 (e), (f) and (g) *[agreements respecting property division]*;

(d) section 148 (2) *[agreements respecting child support]*;

(e) section 163 (3) *[agreements respecting spousal support]*.

[am. B.C. Reg. 214/2023, s. 9.]

Filing parenting coordinator's determination

133 A party may file, using Form 27 *[Request to File Determination of Parenting Coordinator]*, a copy of a determination by a parenting coordinator referred to in section 18 *[determinations by parenting coordinators]* of the *Family Law Act*.

Filing orders

134 A party may file, using Form 28 *[Request to File an Order]*, a copy of any of the orders described in the following provisions:

(a) section 18 *[registration of extraprovincial or foreign order]* of the *Interjurisdictional Support Orders Act*;

(b) section 195 *[Provincial Court enforcement of Supreme Court orders]* of the *Family Law Act*;

(c) Rule 15-3 (6) *[enforcement in Provincial Court]* of the Supreme Court Family Rules.

Applying for orders about enforcement

135 A party who is applying for an order about any of the following must file and serve on each other party, at least 7 days before the date referred to in the application for the court appearance, an application about enforcement in Form 29 *[Application About Enforcement]*, including a copy of the agreement, determination or order to be enforced:

(a) enforcing a filed written agreement or order, including enforcing the written agreement or order through a court order under any of the following sections of the *Family Law Act*:

(i) section 61 *[denial of parenting time or contact]*;

(ii) section 63 *[failure to exercise parenting time or contact]*;

(iii) section 228 *[enforcing orders respecting conduct]*;

(iv) section 230 *[enforcing orders generally]*;

(v) section 231 *[extraordinary remedies]*;

(b) enforcing, changing or setting aside a filed determination of a parenting coordinator;

(c) setting reasonable and necessarily incurred expenses under any of the following sections of the *Family Law Act*:

(i) section 61;

(ii) section 63;

(iii) section 212 *[orders respecting disclosure]*;

(iv) section 213 *[enforcing orders respecting disclosure]*;

(v) section 228;

(vi) section 230;

(d) determining whether arrears are owing under a support order or agreement made under the *Family Law Act* and, if so, the amount of the arrears.

[am. B.C. Reg. 236/2020, Sch. 2, s. 7.]

Applying to set aside interjurisdictional order

136 (1) In this rule, **"designated authority"** has the same meaning as in the *Interjurisdictional Support Orders Act*.

(2) A party who is applying for an order under section 19 (3) *[foreign orders after registration]* of the *Interjurisdictional Support Orders Act* to set aside the registration of a foreign order under that Act must file and serve on the designated authority, by registered mail at least 30 days before the date referred to in the application for the court appearance, an application about enforcement in Form 29 *[Application About Enforcement]*, including a copy of the foreign order to be enforced.

(3) The adult who serves an application under subrule (2) must

(a) complete a certificate of service in Form 7 *[Certificate of Service]*, and

(b) file the certificate at least 10 days before the date referred to in the application for the court appearance.

Replying to application for order under this Division

137 (1) If a party is served with an application under this Division and chooses to reply, the party

(a) must attend court on the date and time referred to in the application for the court appearance, and

(b) may file a written response in reply to the application in Form 19 *[Written Response to Application]*.

(2) If a party chooses to file a written response in reply under subrule (1) (b), the party must file and serve the written response on each other party before the date referred to in the application for the court appearance.

[am. B.C. Reg. 302/2021, Sch. 1, s. 8.]

Division 2 – Enforcement of Support Orders Under the *Family Maintenance Enforcement Act*

Definitions for this Division

138 In this Division:

"Act" means the *Family Maintenance Enforcement Act*;

"debtor" means a person required under a maintenance order to pay maintenance under the Act;

"support order" has the same meaning as "maintenance order" in the Act, including an agreement deemed to be a maintenance order as referred to in that definition.

Proceeding may be held separately

139 (1) A proceeding under this Division may be held separately from any other proceedings under these rules.

(2) The filing party may choose one of the following registries for a hearing under this Division:

(a) the registry where the existing case is filed;

(b) the registry closest to the debtor's last known address.

Enforcement of support orders or agreements under *Family Maintenance Enforcement Act*

140 (1) A party who is applying for the following garnishing order, summons or warrant, as applicable, to enforce a support order under the Act must file an application for garnishment, summons or warrant in Form 30 *[Application for Garnishment, Summons or Warrant]* and supporting documents:

(a) a summons in Form 31 *[Summons – General]* requiring the debtor to attend court or a warrant for arrest in Form 32 *[Warrant for Arrest]*, authorizing the apprehension of the debtor to bring the debtor before the court, under section 14 (2) *[failure to provide statement of finances]* of the Act, if a debtor fails to comply with an order to file a statement of finances or prescribed document, or both, made under section 14 (1) (a) of the Act;

(b) a garnishing order under section 18 *[garnishment]* of the Act to seize and attach, without further application or order, any debts due and owing by the garnishee to the debtor;

(c) a summons to a default hearing in Form 33 *[Summons to a Default Hearing]* to require the attendance of the debtor at a default hearing under section 19 *[summons for default hearing]* of the Act if the debtor defaults on a payment required by a support order;

(d) a summons under section 22 (1) (a) *[failure to report]* of the Act in Form 31 *[Summons – General]* or warrant for arrest under section 22 (1) (b) of the Act in Form 32 *[Warrant for Arrest]* if the debtor fails to report by

(i) failing to complete a statement of income and expenses and report to the court, the director or a person designated by the court, in accordance with an order under section 21 (1) (a) *[default hearing]* of the Act, or

(ii) failing to provide particulars of each change of residential address, place of employment or business address to the court, the director or

a person designated by the court, in accordance with an order under section 21 (1) (b) of the Act;

(e) a summons to a committal hearing in Form 34 *[Summons to a Committal Hearing]* requiring the attendance of the debtor to a committal hearing under section 23 *[committal hearing]* of the Act if the debtor fails to pay, by a date specified in an order under section 21 (1) (d) or (11) (a) of the Act, the full amount required by an order under section 21 (1) (e) of the Act;

(f) a warrant of execution under section 27 *[warrant of execution]* of the Act if the debtor defaults on a payment required by a support order;

(g) a warrant in Form 32 *[Warrant for Arrest]* for the arrest of the debtor under section 31 (a) *[arrest of absconding debtor]* of the Act if there are reasonable and probable grounds for believing that the debtor is about to leave British Columbia in order to evade or hinder the enforcement of a support order.

(2) Unless the documents are served in accordance with subrule (3) or (4), the party who applied for the summons under subrule (1) must arrange for the personal service of the summons by having an adult who is not a party leave a copy of the following documents with the debtor at least 7 days before the date for the court appearance referred to in the summons:

(a) the issued summons;

(b) the application;

(c) any supporting documents.

(3) A clerk may have the documents referred to in subrule (2) served personally by a peace officer.

(4) A judge may order another method of service for the documents referred to in subrule (2).

Issuing and enforcing warrants for arrest for failure to attend enforcement proceeding

141 (1) If a party who is served with a summons issued under rule 140 (1) *[enforcement of support orders or agreements under Family Maintenance Enforcement Act]* does not attend court as required by the summons, the judge may issue a warrant for arrest in Form 32 *[Warrant for Arrest]* for the arrest of the party.

(2) A warrant issued under subrule (1) or rule 140 (1) (a) or (g) remains in force until

(a) the party named in the warrant attends court regarding proceedings related to the enforcement of support, or

(b) the warrant is cancelled.

(3) If arrested, the party named in a warrant issued under subrule (1) or rule 140 (1) (a) or (g) must

(a) be brought before a justice as soon as possible, and

(b) be released when the party signs a release in Form 25 *[Release from Custody]* that requires the party's attendance in court.

(4) The registry must provide notice to the party who applied for the summons or the warrant issued under rule 140 (1) of the new hearing date set out in the release form referred to in subrule (3) (b).

(5) If the party named in a warrant does not attend court on a hearing date set out in a release form referred to in subrule (3) (b), the judge may issue a warrant for arrest in Form 32 *[Warrant for Arrest]* for the arrest of the party and order that the party be brought to a judge promptly on the arrest.

Applications for orders under *Family Maintenance Enforcement Act*

142 (1) A party who is applying for one of the following orders must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 35 *[Application for Order Under the Family Maintenance Enforcement Act]* and supporting documents:

(a) requiring a person to provide to the director correspondence and searchable information in the possession or control of that person under section 9 *[orders respecting correspondence and searchable information]* of the Act;

(b) extending the time for filing a statement of finances with the court under section 13 (4) *[statement of finances required by court]* of the Act;

(c) requiring the debtor to file a statement of finances or prescribed documents under section 14 (1) *[failure to provide statement of finances]* of the Act;

(d) requiring the debtor to pay an amount on failing to file a statement of finances or, if required by section 12 or 13 of the Act, prescribed documents under section 14 (1) (b) of the Act;

(e) providing that a corporation is jointly and separately liable with the debtor for payments required by the support order under section 14.2 (2) *[a corporation controlled by the debtor or by the debtor and immediate family members]* of the Act;

(e.1) suspending, changing or cancelling under section 23 (7.1) or (7.3) of the Act an order to imprison a debtor, which was made at a hearing heard in the debtor's absence;

(f) requiring payment by an attachee who failed under section 16 (3) *[withdrawal of notice of attachment]* or 24 (6) *[attachment orders]* of the Act to pay in accordance with a notice of attachment or to respond in accordance with the regulations;

(g) providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material error, under section 16 (5) of the Act;

(h) changing an order made at a default hearing under section 21 (1) or (2) *[default hearing]* of the Act;

(i) changing the amount exempt from attachment under an attachment order or notice of attachment;

(j) setting aside an attachment order made under section 24 of the Act;

(k) discharging or postponing the registration of a support order registered against land under section 26 (10) *[registration in land title office]* of the Act;

(l) requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard, under section 29.2 (2) *[withdrawing the director's notice]* of the Act, a notice stating that the debtor is in default and that an action under section 29.1 (1) of the Act is to be taken in relation to

(i) the debtor's driver's licence, or

(ii) a licence and corresponding number plates for any motor vehicle or trailer owned by the debtor;

(m) requiring security in any form from the debtor under section 30.1 *[order requiring security for maintenance payments]* of the Act;

(n) requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information under section 39 (1) *[third parties compellable]* of the Act.

(2) A party who applies for the following orders under section 46 *[order restraining harassment]* of the Act must file and serve on each other party and every other person who may be affected by the order, at least 7 days before the date referred to in the application for the court appearance, an application in Form 35 *[Application for Order Under the Family Maintenance Enforcement Act]* and supporting documents:

(a) restraining any person from molesting, annoying, harassing, communicating with or attempting to molest, annoy, harass or communicate with a creditor, a debtor or the Director of Maintenance Enforcement, a person to whom the director has delegated a power, duty or function under section 2 *[Director of Maintenance Enforcement]* of the Act or an employee of that person;

(b) requiring a person named in an order under paragraph (a)

(i) to enter into a recognizance in Form 36 *[Recognizance – Family Maintenance Enforcement Act]*, with or without sureties, or to post a bond, and

(ii) to report to the court, or a person named by the court, at the times and places and for the period the court directs.

(3) A restraining order under subrule (2) must be in Form 37 *[Restraining Order – Family Maintenance Enforcement Act]*.

[am. B.C. Reg. 302/2021, Sch. 1, s. 9.]

Replying to an application for order under this Division

142.1 (1) If a party is served with an application under this Division and chooses to reply, the party

(a) must attend court on the date and time referred to in the application for the court appearance, and

(b) may file a written response in reply to the application in Form 19 *[Written Response to Application]*.

(2) If a party chooses to file a written response in reply under subrule (1) (b), the party must file and serve the written response on each other party before the date referred to in the application for the court appearance.

[en. B.C. Reg. 302/2021, Sch. 1, s. 10.]

Trial preparation conference

143 A judge may direct that a trial preparation conference be scheduled before the hearing of an application for an order under rule 142 *[applications for orders under Family Maintenance Enforcement Act]*.

Service of documents under this Division

144 (1) The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served:

(a) a general summons;

(b) a summons to a committal hearing;

(c) a request for court enforcement under the Act.

(2) Documents that do not require personal service under subrule (1) must be served as follows:

(a) if there is an address, an email address or a fax number provided for the address for service on the court file for the person to be served, there may be service

(i) by leaving the document at the person's address for service,

(ii) by mailing the document by ordinary mail to the person's address for service,

(iii) by emailing the document to the email address, or

(iv) by faxing the document to the fax number;

(b) if there is no address for service on the court file for the person to be served, there may be personal service

(i) by having an adult leave the documents with that person, or

(ii) as otherwise ordered by the court.

(3) The court may order that a document be served by a peace officer.

General rules in respect of hearing of matters under this Division

145 (1) Evidence for a hearing may be provided

(a) orally on oath or affirmation, or

(b) by affidavit.

(2) If a party does not attend a hearing, the hearing may proceed without that party.

(3) A party may apply to transfer a court file begun under this Division by using the process set out in Division 2 *[Case Management Orders]* of Part 5 *[Applying for Other Orders]*.

PART 11 – CONSEQUENCES

Application of Part

146 The rules set out in this Part apply in all registries.

Non-compliance with rules

147 (1) A judge may do one or more of the following if a party does not comply with these rules or an order made by a judge or family justice manager under these rules:

(a) disregard a document filed in the course of the proceedings;

(b) change or cancel an order;

(c) order a court appearance to be cancelled or adjourned or to continue as if the party were not present, whether the party is actually present or not;

(d) require that the party meet a requirement by a specified date;

(e) require that the party pay

(i) any other person for all or part of the expenses reasonably and necessarily incurred by that other person as a result of the non-compliance,

(ii) an amount not exceeding $5 000 to or for the benefit of any other person, or a spouse or child whose interests were affected by that person's actions, or

(iii) a fine not exceeding $5 000;

(f) make any order or give any directions that the judge considers necessary and advisable in the circumstances, including an order dismissing or granting an application made.

(2) Unless a judge otherwise orders, a failure to comply with these rules must be treated as an irregularity.

Failure of party to attend court appearance

148 (1) Subject to rule 147 *[non-compliance with rules]*, if a party fails to attend a court appearance at the time scheduled for that court appearance, the judge may, after receipt of any evidence of service of notice the judge considers appropriate, do one or more of the following:

(a) dismiss, cancel or proceed with the court appearance;

(b) draw any inference from the failure to attend that the judge considers appropriate;

(c) grant some or all of the orders sought;

(d) issue a summons in Form 31 *[Summons – General]*.

(2) If no party attends a court appearance, the judge may dismiss the application.

Issuing and enforcing warrants for arrest for failure to attend court appearance

149 (1) If a party who is served with a summons or is present in court when the date for a court appearance is set does not attend the court appearance, the judge may issue a warrant for arrest in Form 32 *[Warrant for Arrest]* for the arrest of the party.

(2) A warrant issued under subrule (1) remains in force until

(a) the party named in the warrant attends court either voluntarily or under the warrant, or

(b) the warrant is cancelled.

(3) If arrested, the party named in a warrant issued under subrule (1) must

(a) be brought before a justice as soon as possible, and

(b) be released when the party signs a release in Form 25 *[Release from Custody]* that requires the party's attendance at court.

(4) The registry must provide notice to each other party of the new hearing date set out in the release form referred to in subrule (3) (b).

(5) If the party named in a warrant does not attend court on a hearing date set out in a release form referred to in subrule (3) (b), the judge may issue a warrant for arrest in Form 32 *[Warrant for Arrest]* for the arrest of the party and order that the party be brought to a judge promptly on the arrest.

Hearings about extraordinary remedies under section 231 of *Family Law Act*

150 (1) In this rule, **"hearing about an extraordinary remedy"** means a hearing in which a judge decides whether to make any of the following orders under section 231 *[extraordinary remedies]* of the *Family Law Act*:

(a) an order that a person be imprisoned for a term of no more than 30 days if the person failed to comply with an order under the *Family Law Act* and no other order will be sufficient to secure the person's compliance;

(b) an order requiring a police officer to apprehend a child from a guardian who has wrongfully denied another person parenting time or contact with the child and to take the child to that other person;

(c) an order requiring a police officer to apprehend a child from a person having contact with the child who has wrongfully withheld the child from the child's guardian and to take the child to the guardian.

(2) A judge may make directions as to the conduct of a hearing about an extraordinary remedy, including directions that the hearing be conducted as a trial.

(3) An order made under section 231 (2) *[extraordinary remedies]* of the *Family Law Act* for the imprisonment of a person must be in Form 38 *[Order for Imprisonment]*.

Warrants related to orders for imprisonment under section 231 (2) of *Family Law Act*

151 (1) If the court is of the opinion that an order for imprisonment under section 231 (2) *[extraordinary remedies]* of the *Family Law Act* may be necessary, the court may issue a warrant in Form 32 *[Warrant for Arrest]* that the person be apprehended and brought before the court.

(2) If a person referred to in subrule (1) is arrested and brought before the court, the court in a summary manner may determine whether imprisonment is necessary.

(3) No determination may be made under subrule (2) without the person being given a reasonable opportunity to show why imprisonment is not necessary.

(4) The court may order the release of a person apprehended under subrule (1) on receiving an undertaking in Form 25 *[Release from Custody]* from that person.

Suspension of extraordinary remedy

152 The court at any time may direct that an imprisonment ordered under section 231 (2) *[extraordinary remedies]* of the *Family Law Act* be suspended for the period or on the terms or conditions the court may specify.

Release of person

153 On application by or on behalf of a person imprisoned under section 231 (2) *[extraordinary remedies]* of the *Family Law Act*, the court may release that person, whether or not the period of the committal has elapsed.

PART 12 – GENERAL RULES

Division 1 – General Procedural Rules

Application of Part

154 The rules set out in this Part apply in all registries.

Deficient forms

155 (1) A clerk may refuse to accept a form for filing if it is not in the correct form or if the form is not completed in accordance with the instructions.

(2) A party may apply for an order under rule 62 *[case management orders – judge]* or 63 *[case management orders – family justice manager]* to permit the filing of a form that is deficient.

Requesting conference or hearing

156 (1) If any of the following circumstances apply, a party may request that a court appearance be scheduled and must file and serve on each other party a request for scheduling in Form 39 *[Request for Scheduling]*, unless otherwise directed by the court:

(a) the matter was adjourned by the court without setting a new date;

(b) the matter was struck from the court list by the court;

(c) a party was referred to a program, professional or resource, or required to attend, participate or complete a requirement, by the court;

(d) a party was required by the court to address a deficiency under these rules;

(e) a review of the terms of the order was provided for in the order;

(f) a party is applying to change, suspend or cancel an interim order under section 216 (3) *[court may make interim orders]* of the *Family Law Act*;

(g) a party is applying for an interim order under section 216 or 217 *[interim orders before changing, suspending or terminating orders]* of the *Family Law Act* after attendance at a family management conference.

(2) A party requesting that a court appearance be scheduled must serve the form under subrule (1) on each other party at least 7 days before the date referred to in the application for the court appearance.

[am. B.C. Reg. 126/2021, Sch. 1, s. 12.]

Judge may waive or modify requirements in rules

157 A judge may, at any time, waive or modify

(a) any requirement under these rules, including a requirement related to service or giving notice to a person under these rules, or

(b) a time limit set by these rules or by an order of the court, even after the time limit has expired.

Judge may give directions

158 A judge may give directions on any procedural matter that is not provided for in these rules or an enactment.

Judge may require notice about consensual dispute resolution

158.1 If a judge has ordered or directed that a party participate in consensual dispute resolution with a family justice counsellor under rule 56 *[directions or orders to attend]* or rule 108 (2) (e) (i) *[what happens at family settlement conference]*, the judge may require the parties to obtain written notice from the family justice counsellor indicating the following:

(a) if it was determined that consensual dispute resolution was completed and, if so, the date of completion;

(b) if it was determined that consensual dispute resolution was not able to be accessed or was not appropriate;

(c) the kinds of family law matters that were addressed during consensual dispute resolution;

(d) the kinds of family law matters that are outstanding.

[en. B.C. Reg. 126/2021, Sch. 1, s. 13.]

Judge may change, suspend or cancel orders made in absence of party

159 (1) A judge may change, suspend or cancel an order made in the absence of a party if the judge determines that

(a) the absent party applied in accordance with subrule (2) for the change, suspension or cancellation of the order within a reasonable time, and

(b) either of the following apply:

(i) the absent party did not receive notice of the application under which the order was made;

(ii) there is a good reason to change, suspend or cancel the order.

(2) To apply to change, suspend or cancel an order made under subrule (1), the absent party must file and serve on each other party the following at least 7 days before the date referred to in the application for the court appearance:

(a) an application for a case management order in Form 10 *[Application for Case Management Order]*;

(b) any supporting evidence or documents.

Practice directions

160 The chief judge of the court may issue practice directions consistent with these rules and their purpose.

Child's views

161 If a case involves a child, the child's views must be considered unless it is inappropriate to do so.

Child's lawyer

162 (1) If a case involves a child and the child is represented by a lawyer in the case, the lawyer for the child must

(a) file and serve on the parties Form 40 *[Notice of Lawyer for Child]* when the lawyer starts representing the child, and

(b) file and serve on the parties Form 41 *[Notice of Removal of Lawyer for Child]* when the lawyer stops representing the child.

(2) The lawyer for a child

(a) must be notified of all hearings, conferences and trial dates relating to the case,

(b) must be served all documents that the parties are served, and

(c) may attend all hearings, conferences and trial dates relating to the case.

(3) For the purposes of these rules, a lawyer may start representing a child at any time during a case.

Party's lawyer

163 (1) For the purposes of these rules, a lawyer may start representing a party in a case by a party or the lawyer

(a) providing the lawyer's contact information and address for service of documents on an application or reply, or

(b) filing and serving on each party a notice of lawyer for party in Form 42 *[Notice of Lawyer for Party]*.

(2) A lawyer who represents a party under subrule (1) may represent the party

(a) for all issues in a case, or

(b) for one or more limited purposes identified in the notice of lawyer for party filed under subrule (1) (b).

(3) For the purposes of these rules, a lawyer stops representing a party in a case if one of the following applies:

(a) the party or the lawyer files and serves on each party a notice of removal of lawyer in Form 43 *[Notice of Removal of Lawyer for Party]*;

(b) the party or a new lawyer for the party files and serves on each party a notice of lawyer in Form 42 *[Notice of Lawyer for Party]* identifying the new lawyer;

(c) the limited purpose for which the lawyer was representing the party, as described in the notice of lawyer for party filed under subrule (1) (b), has ended.

Default method of attendance

163.1 (1) Court appearances must be attended in person.

(2) Despite subrule (1), the chief judge may direct that a class of court appearances may or must be attended by telephone, video conference or other means of electronic communication.

(3) A direction under subrule (2) may be different for different court registries, types of court appearances, classes of persons or circumstances.

[en. B.C. Reg. 302/2021, Sch. 1, s. 11.]

Court may allow a different method of attendance

164 (1) Despite rule 163.1, the court may allow a person to attend a court appearance by any method of attendance that the court specifies.

(2) The court may consider the following in making an order or direction under subrule (1):

(a) the distance between the person's residence and the location of the court appearance;

(b) difficulty in attending because of illness or disability;

(c) the financial cost associated with attending;

(d) the expense incurred, or savings realized, by using electronic communication;

(e) any concerns related to security, including a risk of family violence;

(f) any difficulty in conducting the court appearance that may arise from using electronic communication.

(3) For the purposes of these rules, a reference to attending, appearing, giving, being before a judge, justice or family justice manager, being in court or being at a place or location is not to be interpreted as requiring in-person attendance.

[am. B.C. Reg. 302/2021, Sch. 1, s. 12.]

Copies permissible instead of originals

165 With the permission of the judge or the family justice manager, as applicable, a copy of a document may be used in court instead of the original.

Confidentiality of information

166 A party must not use or disclose any information of any other parties contained in a record provided or entered as evidence under these rules except to the extent necessary to resolve a case under these rules.

Division 2 – General Procedure for Orders

Effective date of orders

167 An order takes effect at the time it is made unless ordered otherwise.

Preparation of orders

168 (1) If one or more of the parties are represented by a lawyer, any one of the lawyers must prepare an order made at a court appearance in Form 44 *[Order – General]*, unless another form is required by these rules, and provide it to any other lawyers for the other parties or, if the parties are unrepresented, to the registry

(a) within 14 days of the date the order is made, or

(b) within the period permitted by the court.

(2) Unless the court orders otherwise, an order that is prepared by a party's lawyer and is not made by consent under section 219 *[persons may consent to order being made]* of the *Family Law Act* must be approved and signed

(a) by the party's lawyer, and

(b) if any other party is represented by a lawyer, by the other party's lawyer.

(3) If the other party's lawyer does not approve and sign an order prepared in accordance with subrule (1), reasons for not signing must be provided to whoever prepared the order

(a) within 14 days of the date the order was provided to that other party, or

(b) within the period permitted by the court.

(4) A party who is not represented by a lawyer is not required to sign an order, unless

(a) ordered otherwise by the court, or

(b) required otherwise under these rules.

(5) If no party is represented by a lawyer, a clerk must prepare an order made at a court appearance

(a) within 14 days, or

(b) within the period permitted by the court.

(6) After an order is signed in accordance with subrule (2), it must be delivered to the registry to be signed by the judge or family justice manager, as applicable, and filed.

(7) After an order is filed under subrule (6), the registry must provide a filed copy of the order to each party, or each party's lawyer, who has provided an address for service.

Designate may sign

169 An order to be signed by a judge or family justice manager under these rules may be signed by a designate of the judge or family justice manager.

Correction of orders

170 Any judge may correct, at any time, a clerical mistake or omission in an order.

Division 3 – Affidavits and General Rules for Filing

Form of affidavits

171 (1) Unless a rule provides otherwise, an affidavit must be in Form 45 *[Affidavit – General]*.

(2) An affidavit must

(a) be expressed in the first person and include the name, address and occupation of the person swearing or affirming the affidavit,

(b) state whether the person swearing or affirming the affidavit is a party or the lawyer, agent, director, officer or employee of a party,

(c) be divided into paragraphs numbered consecutively and have page numbers, and

(d) have page numbers for the exhibits if the affidavit has any exhibits.

(3) An affidavit is made when

(a) the person swearing or affirming the affidavit

(i) signs the affidavit, or

(ii) if the person is unable to sign the affidavit, places that person's mark on it, and

(b) the person before whom the affidavit is sworn or affirmed completes and signs a statement confirming that the affidavit was sworn or affirmed in the person's presence.

(4) The person before whom an affidavit is sworn or affirmed must identify each exhibit referred to in the affidavit by signing a certificate placed on or attached to the exhibit.

(5) Subject to subrule (6), an affidavit must state only what a person swearing or affirming the affidavit would be permitted to state in evidence at a trial.

(6) An affidavit may contain statements as to the information and belief of the person swearing or affirming the affidavit, if the source of the information and belief is given.

Filing unsworn documents

172 (1) In this rule, **"unsworn document"** means any of the following documents that have not been sworn or affirmed:

(a) a financial statement in Form 4 *[Financial Statement]*;

(b) a guardianship affidavit in Form 5 *[Guardianship Affidavit]*;

(c) an application about a protection order in Form 12 *[Application About a Protection Order]* that has an attached Schedule 1 *[Affidavit for Protection Order]*;

(d) an affidavit in Form 45 *[Affidavit – General]*.

(2) An unsworn document may be filed even though the person who made the document has not sworn or affirmed to its contents if

(a) the person has signed the document, and

(b) it is not practicable for the person to swear or affirm to the contents of the document before the document is filed.

(3) If an unsworn document is filed under subrule (2), the person who made the document must be available to swear or affirm that the contents of the document are true, as may be required by a judge or family justice manager, including at a subsequent court appearance.

Requirement to file additional copies if not filing electronically

173 Unless the party files electronic documents in accordance with Division 7 *[Electronic Filing]*, a party who files a document under these rules must file

(a) one copy for the court,

(b) one copy for the filing party,

(c) one copy for each party other than the filing party, and

(d) if applicable, one copy for each lawyer for a child.

Who can search court files

174 (1) Unless the court otherwise orders, only the following persons may search a court file under these rules:

(a) a party to the court file;

(b) a lawyer, whether or not the lawyer represents a party, and including a lawyer for a child;

(c) a family justice counsellor;

(d) a person authorized by a judge;

(e) a person authorized in writing by a party to the court file or by the party's lawyer.

(2) Despite subrule (1), any person may access the following information about a case, unless the court otherwise orders:

(a) the names of the parties as identified in the case;

(b) the case file number;

(c) the registry at which the court file is located;

(d) the date the case was started.

Division 4 – Service

Address for service

175 (1) Each party who files an application or reply must provide an address for service where the party can receive notice or service of documents.

(2) An address for service may be an address other than the party's home address.

(3) Each party is responsible for checking, on a regular basis, for the receipt of notice or service of documents at that party's address for service, including any email address or fax number that was provided for service.

(4) If a party's address for service changes, the party must file a notice of change of address in Form 46 *[Notice of Address Change]* and serve a copy on each other party as soon as possible.

(5) If a party's address for service is outside British Columbia, the party must provide an email address for service.

Ordinary service

176 Except when a document must be provided to another person using personal service, a document may be provided

(a) by leaving the document at the person's address for service,

(b) by mailing the document by registered mail to the person's address for service,

(c) by mailing the document by ordinary mail to the person's address for service,

(d) by emailing the document to the person's email address for service, or

(e) by faxing the document to the person's fax number for service.

Personal service of certain documents

177 The following documents require personal service by an adult who is not a party leaving a copy of the document with the person to be served:

(a) an application about a family law matter;

(b) a summons or subpoena;

(c) an application about a protection order;

(d) a protection order, if the person against whom the protection order application is made was not present in court;

(e) a request for court enforcement under the *Family Maintenance Enforcement Act*;

(f) any document that the court has determined requires personal service;

(g) any application that is to be served on a party who has not provided an address for service.

Summons

178 Unless otherwise ordered by the court, a summons under these rules must be served at least 7 days before the date set in the summons for the court appearance.

Service completed

179 A document is deemed to have been served on a person as follows:

(a) if served by leaving a copy at an address for service

(i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service, or

(ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday;

(b) if served by sending a copy by ordinary mail to an address for service, on the 14th day after it is mailed;

(c) if served by transmitting a copy by email to the email address provided in the address for service

(i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or

(ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday;

(d) if served by transmitting a copy by fax to the fax number provided in the address for service

(i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of transmission, or

(ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday;

(e) if served by personal service

(i) at or before 4 p.m. on a day that is not a Saturday or holiday, the document is deemed to be served on the day of service, or

(ii) on a Saturday or holiday or after 4 p.m. on any other day, the document is deemed to be served on the next day that is not a Saturday or holiday.

Documents served on the Director of Maintenance Enforcement

180 A document may be served on the Director of Maintenance Enforcement by mailing the document to the postal address provided by the director.

Documents served on a person who is not a party

181 A document other than a summons or subpoena may be served on a person who is not a party by leaving the document with the person or by mailing by ordinary mail the document to that person's postal address.

Alternative methods of service

182 (1) If it is not practicable to serve a document in accordance with these rules, a party may apply under rule 62 *[case management orders – judge]* or 63 *[case management orders – family justice manager]* for an order by a judge or family justice manager, as applicable, that the document

(a) must be served by a peace officer, or

(b) may be served using an alternative method of service, if the court is satisfied that the person to be served

(i) cannot be found after a diligent search,

(ii) is evading service of the document, or

(iii) is temporarily outside British Columbia.

(2) If an order is made that permits an alternative method of service for a document, a copy of the order, the application under subrule (1) and any supporting documents must be served with the document, unless the permitted method of service is notice to be given by advertisement.

(3) If the court orders notice to be given by advertisement, that advertisement must be in Form 47 *[Notice by Advertisement]* and the party who applied for the order must pay for the advertisement.

Proving service

183 (1) Subject to subrule (2), service of a document may be proved by filing a certificate of service in Form 7 *[Certificate of Service]* and attaching a copy of the document served.

(2) Service of the following documents may be proved by filing the applicable affidavit:

(a) for a summons or subpoena, an affidavit of personal service in Form 48 *[Affidavit of Personal Service]*;

(b) for an order about a protection order, an affidavit of personal service of a protection order in Form 49 *[Affidavit of Personal Service of Protection Order]*.

(3) Service of a document on a lawyer or articled student may be proved by filing a copy of the document signed by the lawyer or articled student or by a partner or employee of the firm of the lawyer or articled student.

Oral proof of service

184 Instead of requiring proof of service under rule 183 *[proving service]*, the court may allow a person to prove by sworn or affirmed oral evidence that the person has served a document.

Admissibility of other evidence of service

185 Nothing in rule 184 *[oral proof of service]* restricts the admissibility of any other evidence of service that the court may consider appropriate in the circumstances.

Service outside British Columbia

186 An application or other document may be served on a person outside British Columbia if the order sought in the application is within the jurisdiction of the court under section 10 *[real and substantial connection]* of the *Court Jurisdiction and Proceedings Transfer Act* or Division 7 *[Extraprovincial Matters Respecting Parenting Arrangements]* or 8 *[International Child Abduction]* of Part 4 of the *Family Law Act*.

Service effective if acknowledged

187 Despite any requirement about service under this Part, service of a document is deemed to be effective if the party who was served gives written acknowledgement of receiving the document.

Division 5 – Changing a Filed Document

Changing filed application about family law matter, reply or reply to counter application

188 (1) A party may change anything in an application about a family law matter, a reply or a reply to a counter application,

(a) without a court order, before the first family management conference, or

(b) with a court order or consent of the parties, at any time.

(2) A party may apply under rule 64 *[applying for case management orders]* to a judge or a family justice manager for an order to change anything in an application about a family law matter, a reply or a reply to a counter application.

(3) If a party makes a change as described in subrule (1), the application about a family law matter, reply or reply to a counter application must

(a) indicate at the top of the document that the document has been changed,

(b) indicate the date on which the change to the document is made,

(c) include an indication of the changes being made to the document by

(i) underlining anything that is being added to the document, and

(ii) striking out anything that is being deleted from the document, and

(d) include a reference to the order that authorizes the change, if applicable.

Service of changed application about family law matter, reply or reply to counter application

189 An application about a family law matter, a reply or a reply to a counter application that is changed under rule 188 *[changing filed application about family law matter, reply or reply to counter application]* must be served on each other party within 7 days

of filing the changed application about a family law matter, reply or reply to counter application.

Reply to change

190 (1) Subject to subrule (2) and rule 15 *[intention to proceed in certain cases after one year]*, a party who has been served a changed application about a family law matter or reply under rule 189 *[service of changed application about family law matter, reply or reply to counter application]* and who chooses to file a reply or reply to counter application must file and serve the reply document within 14 days of being served the changed application about a family law matter or reply, as applicable.

(2) If an application about a family law matter or reply has been changed under rule 188 *[changing filed application about family law matter, reply or reply to counter application]* to add a new application about child support or spousal support, a party who has been served the changed application or reply and who chooses to file a reply must file and serve the following within 30 days of service of the changed application:

(a) the reply document;

(b) the applicable additional documents described in rule 25 *[additional requirements when applying for certain orders]*.

Division 6 – Discontinuing an Application, Reply or Reply to Counter Application

Discontinuing an application about family law matter, reply or reply to counter application

191 (1) A party may discontinue all or part of an application, a reply or a reply to a counter application by doing the following:

(a) filing a notice of discontinuance in Form 50 *[Notice of Discontinuance]* in accordance with subrules (2) and (3), as applicable;

(b) serving the notice of discontinuance on each other party before the earlier of the following dates:

(i) 14 days after the party filed the notice;

(ii) the date of the next scheduled court appearance.

(2) If a trial preparation conference is scheduled, a notice of discontinuance may be filed under subrule (1)

(a) before the trial preparation conference, or

(b) after the trial preparation conference, with the consent of the other parties or with permission of the court.

(3) If a trial preparation conference is not scheduled, a notice of discontinuance may be filed under subrule (1)

(a) at least 30 days before the scheduled trial date, or

(b) less than 30 days before the scheduled trial date, with the consent of the other parties or with permission of the court.

(4) A party may only discontinue an application about a family law matter, a reply or a reply to a counter application under this rule if the application or reply was made by the party.

(5) The discontinuation of an application about a family law matter, a reply or a reply to a counter application by a party under this rule does not affect any application or reply made by another party.

(6) Subject to the limitation periods set out in sections 147 (4) (b) *[duty to provide support for child]* and 198 (2) *[time limits]* of the *Family Law Act*, the discontinuation of an application about a family law matter by a party under this rule does not prevent the party from filing a new application about the same family law matter at a later date, unless a judge orders otherwise.

Division 7 – Electronic Filing

Electronic filing

192 (1) A person filing documents in a registry by means of electronic filing must

(a) enter into an agreement with the Court Services Branch of the Ministry of Attorney General respecting the terms and conditions under which those filings may be made, and

(b) submit documents for filing in accordance with that agreement.

(2) A person may electronically transmit a document other than a certified copy of an order to a registry for filing.

Electronic filing of affidavits or other signed documents

193 (1) An affidavit or other signed document that is being filed for evidentiary purposes, if submitted for filing electronically, must clearly identify the signatory and must be accompanied by a statement, in Form 51 *[Electronic Filing Statement]*, of the lawyer acting for the person on whose behalf the document is submitted for filing or, if that person is unrepresented, by a statement of that person, in that electronic filing statement, indicating that

(a) the original paper version of the document appears to bear an original signature of the person identified as the signatory and the person making the electronic filing statement has no reason to believe that the signature on the document is not the signature of the identified signatory, and

(b) the version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and the person making the electronic filing statement has no reason to believe that it is not a true copy of the original paper version.

(2) A person who, under subrule (1), submits a document for filing electronically under these rules must

(a) keep the original paper version of the document until the earliest of

(i) the date on which the proceeding, including any appeals, is finally disposed of,

(ii) the date on which the appeal period for the proceeding has expired, if no notice of appeal respecting the proceeding is filed within that period, and

(iii) the date on which a judge orders that the original paper version be filed, and

(b) if an order is made under paragraph (a) (iii) of this subrule, file the original paper version promptly after that order is made.

Fax filing

194 (1) A clerk may accept for filing any document, other than a certified copy of an order, that has been transmitted to the registry by fax.

(2) A clerk may refuse to accept a document for filing that is transmitted by fax for any of the following reasons:

(a) the document is not accompanied by a fax cover sheet in Form 52 *[Fax Filing Cover Page – Provincial Court Family]*;

(b) the document relates to more than one court file;

(c) in the opinion of the clerk, the document is illegible and cannot be used by the court;

(d) the document is incomplete;

(e) the document should have been transmitted to another registry;

(f) the document does not otherwise conform to practice and procedure under these rules and any applicable enactment.

(3) A document that is transmitted by fax and received by the registry will be filed as soon as possible unless the document is refused under subrule (2).

(4) A person who, under subrule (1), submits a document for filing by fax under these rules must

(a) keep the original paper version of the document until the earliest of

(i) the date on which the proceeding, including any appeals, is finally disposed of,

(ii) the date on which the appeal period for the proceeding has expired, if no notice of appeal respecting the proceeding is filed within that period, and

(iii) the date on which a judge orders that the original paper version be filed, and

(b) if an order is made under paragraph (a) (iii) of this subrule, file the original paper version promptly after that order is made.

(5) If a clerk accepts for filing a document that has been transmitted by fax, the clerk must send a confirmation of the filing to the person who transmitted the document by doing one of the following:

(a) transmitting the confirmation by fax to the person;

(b) providing the confirmation in a manner agreed to by the clerk and the person.

(6) A confirmation under subrule (5) must include

(a) a cover sheet,

(b) the first page of the document that was filed, showing the date stamp and file number, and

(c) any other page that was altered by the court or the registry.

PART 13 – TRANSITION

Definitions for Part 13

195 In this Part:

"effective date of these rules" means the date on which this rule comes into force;

"former rules" means the Provincial Court (Family) Rules, B.C. Reg. 417/98;

"pre-existing proceeding" means a proceeding that was started under the former rules but not concluded before the effective date of these rules.

These rules apply to pre-existing proceedings

196 (1) A pre-existing proceeding continues under and in accordance with these rules as though the proceeding had been started under these rules.

(2) For greater certainty, for the purposes of subrule (1),

(a) a step taken under the former rules in a pre-existing proceeding is deemed to have been taken under these rules,

(b) a form filed under the former rules for a purpose relating to a pre-existing proceeding must be treated as if it were the corresponding form that would be filed under these rules for that same or a similar purpose,

(c) a notice of motion that was filed under the former rules continues under these rules as if it were an application for an order or direction, and

(d) if a form was filed under the former rules but not served before the effective date of these rules, the form must be served in accordance with the applicable requirements relating to service under these rules.

Judge may make case management order to resolve difficulty or doubt

197 A judge, on application or on the judge's own initiative, may make orders or directions under Division 2 *[Case Management Orders]* of Part 5 *[Applying for Other Orders]* the judge considers appropriate if

(a) there is doubt about the application or operation of these rules to a pre-existing proceeding, or

(b) any difficulty, injustice or impossibility arises as a result of the application of rule 196 *[these rules apply to pre-existing proceedings]*.

Registry may temporarily accept certain forms under former rules

198 For the period of 30 days after the effective date of these rules, the registry may accept for filing either of the following forms under the former rules in substitution for the related form under these rules:

(a) a reply in Form 3 *[Reply]*;

(b) a financial statement in Form 4 *[Financial Statement]* that is filed with a reply.

APPENDIX – LIST OF FORMS

[Note: forms appear at the end of this consolidation.]

Form 1 Notice to Resolve a Family Law Matter [en. B.C. Reg. 110/2024.]
Form 2 Notice of Intention to Proceed [en. B.C. Reg. 110/2024.]
Form 3 Application About a Family Law Matter [en. B.C. Reg. 110/2024.]
Form 4 Financial Statement [en. B.C. Reg. 110/2024.]
Form 5 Guardianship Affidavit [en. B.C. Reg. 110/2024.]
Form 6 Reply to an Application About a Family Law Matter [en. B.C. Reg. 110/2024.]
Form 7 Certificate of Service [en. B.C. Reg. 110/2024.]
Form 8 Reply to a Counter Application [en. B.C. Reg. 110/2024.]
Form 9 Application for Permission and Review of Family Justice Manager Order or Direction [en. B.C. Reg. 110/2024.]
Form 10 Application for Case Management Order [en. B.C. Reg. 110/2024.]
Form 11 Application for Case Management Order Without Notice or Attendance [en. B.C. Reg. 110/2024.]
Form 12 Application About a Protection Order [en. B.C. Reg. 110/2024.]
Form 13 Protection Order [en. B.C. Reg. 110/2024.]
Form 14 Order Terminating a Protection Order [en. B.C. Reg. 110/2024.]
Form 15 Application About Priority Parenting Matter [en. B.C. Reg. 110/2024.]
Form 16 Application for Order Prohibiting the Relocation of a Child [en. B.C. Reg. 110/2024.]
Form 17 Application for a Family Law Matter Consent Order [en. B.C. Reg. 110/2024.]
Form 18 Consent Order [en. B.C. Reg. 110/2024.]
Form 19 Written Response to Application [en. B.C. Reg. 110/2024.]
Form 20 Notice of Exemption from Parenting Education Program [en. B.C. Reg. 110/2024.]

Form 21 Referral Request [en. B.C. Reg. 110/2024.]
Form 22 Trial Readiness Statement [en. B.C. Reg. 110/2024.]
Form 23 Subpoena to Witness [en. B.C. Reg. 110/2024.]
Form 24 Warrant for Arrest After Subpoena [en. B.C. Reg. 110/2024.]
Form 25 Release from Custody [en. B.C. Reg. 110/2024.]
Form 26 Request to File an Agreement [en. B.C. Reg. 110/2024.]
Form 27 Request to File a Determination of Parenting Coordinator [en. B.C. Reg. 110/2024.]
Form 28 Request to File an Order [en. B.C. Reg. 110/2024.]
Form 29 Application About Enforcement [en. B.C. Reg. 110/2024.]
Form 30 Application for Garnishment, Summons or Warrant [en. B.C. Reg. 110/2024.]
Form 31 Summons – General [en. B.C. Reg. 110/2024.]
Form 32 Warrant for Arrest [en. B.C. Reg. 110/2024.]
Form 33 Summons to a Default Hearing [en. B.C. Reg. 110/2024.]
Form 34 Summons to a Committal Hearing [en. B.C. Reg. 110/2024.]
Form 35 Application for Order Under the *Family Maintenance Enforcement Act* [en. B.C. Reg. 110/2024.]
Form 36 Recognizance – *Family Maintenance Enforcement Act* [en. B.C. Reg. 110/2024.]
Form 37 Restraining Order – *Family Maintenance Enforcement Act* [en. B.C. Reg. 110/2024.]
Form 38 Order for Imprisonment [en. B.C. Reg. 110/2024.]
Form 39 Request for Scheduling [en. B.C. Reg. 110/2024.]
Form 40 Notice of Lawyer for Child [en. B.C. Reg. 110/2024.]
Form 41 Notice of Removal of Lawyer for Child [en. B.C. Reg. 110/2024.]
Form 42 Notice of Lawyer for Party [en. B.C. Reg. 110/2024.]
Form 43 Notice of Removal of Lawyer for Party [en. B.C. Reg. 110/2024.]
Form 44 Order – General [en. B.C. Reg. 110/2024.]
Form 45 Affidavit – General [en. B.C. Reg. 110/2024.]
Form 46 Notice of Address Change [en. B.C. Reg. 110/2024.]
Form 47 Notice by Advertisement [en. B.C. Reg. 110/2024.]
Form 48 Affidavit of Personal Service [en. B.C. Reg. 110/2024.]
Form 49 Affidavit of Personal Service of Protection Order [en. B.C. Reg. 110/2024.]
Form 50 Notice of Discontinuance [en. B.C. Reg. 110/2024.]
Form 51 Electronic Filing Statement [en. B.C. Reg. 110/2024.]
Form 52 Fax Filing Cover Page – Provincial Court Family [en. B.C. Reg. 110/2024.]

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Notice to Resolve a Family Law Matter

Form 1

Provincial Court Family Rules
Rule 10

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Notice to Resolve a Family Law Matter provides notice that a party is seeking resolution of a family law matter in an early resolution registry. Before proceeding any further with the family law matter, each party is required to meet the early resolution requirements described in Part 2 of the rules.

For more information about early resolution registries, see the guidebook.

Please read before completing the form:

- This form is only to be used in an early resolution registry and is only required if you have a family law matter to resolve.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | Notice

1. ❑ I understand **the following people must be provided with a copy of the notice** to resolve:
   - all parents and current guardians of each child who is the subject of the family law matter
   - my spouse, if I am applying for spousal support or property division in respect of a companion animal
   - each other adult who the family law matter is about

   They are the other party/parties in this case.

For more information about how to give notice to the other party, see the guidebook.

Part 2 | About the parties

2. **My full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

   My **current contact information** is:

   Email: Telephone:

3. The full name of **other party to this agreement** is:
   Their **date of birth** (dd/mmm/yyyy) is:

   ❑ There is an additional party.
   The **additional party's** full name is:
   Their **date of birth** (dd/mmm/yyyy) is:

For more information about how your contact information will be used and who will have access to it, see the guidebook.

Part 3 | Family law matters that you need help resolving

4. I would like **help with** the following family law matter(s):
   Select all options that apply
   - ❑ Parenting arrangements, including parental responsibilities and parenting time
   - ❑ Child support
   - ❑ Contact with a child
   - ❑ Guardianship of a child
   - ❑ Spousal Support
   - ❑ Property division in respect of a companion animal

Some matters don't fall under the definition of "family law matter", including a protection order or priority parenting matter. The early resolution process is not required to apply for an order about these other matters [Rule 12].

For more information about family law matters and how to apply for other orders about other matters, see the guidebook.

Part 4 | Identification of children

5. *Select the correct option below and provide the additional information if applicable*

- ❑ My family law matter is **not about a child** or children *(skip to Part 5)*
- ❑ My family law matter is about **the following child** or children:
  Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

Part 5 | Existing orders and agreements

6. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

❑ **Yes** ❑ **No**

Include any order (interim or final), agreement or plan from any level of court and any location.

7. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes** ❑ **No**

Part 6 | Filing location

8. I am filing this application **in the court registry**:
Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Closest to **where I live** because my case does not involve a child-related issue
- ❑ Permitted by **court order**

Rule 7 sets out the requirements for which registry to use.

Talk to the court registry to see if there is already an existing case at a court location.

IMPORTANT NOTE:

Before proceeding any further with your case, each party is required to meet the early resolution requirements described in the rules and **set out in Part 7 of this Notice**.

If you require a time sensitive order on a family law matter, you may be able to postpone participation in one or more early resolution requirements until after you have received your time sensitive order. Please speak to Family Justice Services Division or the court registry if this situation applies to you.

Part 7 | What you must do to meet the early resolution requirements

More information about the services provided by Family Justice Services Division, including contact information for the Justice Access Centres, can be found at www.gov.bc.ca/family-justice-services-division.

If you have already participated in some or all of the early resolution requirements set out below within the last year, Family Justice Services Division will confirm you have met the early resolution requirements and prepare the required documents for court.

1 | Needs Assessment

A needs assessment is a one-on-one meeting with a needs assessor. A needs assessor is a neutral person trained to help you understand this process and other ways available to resolve your family law matter and other issues.

A needs assessor can provide legal information, make referrals to supports, including legal advice, and help identify the next steps that are right for you.

❑ **Contact** Family Justice Services Division to **schedule** your individual **needs assessment**.

FJSD
contact information

❑ **Participate in a needs assessment**

> You may be contacted by a needs assessor if someone else has filed a Notice to Resolve a Family Law Matter and has named you as the other party.

2 | Parenting Education Program

Free online parenting courses to provide information to help parents make careful and informed decisions about their separation and to ensure decisions are based on the best interests of the child/youth.

❑ **Complete a parenting education course**, unless you are exempt by a needs assessor.

Your needs assessor will provide you with more information on the parenting education course that is right for you and how to complete it.

> The reasons a person may be exempt from completing a parenting education course are set out in Rule 17.

3 | Consensual Dispute Resolution

Consensual dispute resolution means:
(a) mediation with a family law mediator
(b) a collaborative family law process, or
(c) facilitated negotiation of a child support or spousal support matter with a child support officer.

❑ **Participate in consensual dispute resolution**, unless your needs assessor determines that the parties cannot access consensual dispute resolution services or that it is not appropriate.

Your needs assessor will provide you with more information about what consensual dispute resolution is, whether it is right for you, and the process for participating in it.

> Consensual dispute resolution is not required if one of the parties is the Director of Maintenance Enforcement or a director under the Child, Family and Community Service Act.

IMPORTANT NOTE:

If you do not resolve all family law matters during the early resolution process, either party can apply to the Provincial Court for a court order by filing an Application About a Family Law Matter Form 3. Family Justice Services Division will confirm you have met the early resolution requirements.

If you do not participate in the early resolution process, the other party will be allowed to proceed to the Provincial Court to ask for a court order. A party must have met the early resolution requirements before they will be allowed to file an Application About a Family Law Matter or Reply to an Application About a Family Law Matter in the case.

Notice of Intention to Proceed

Form 2

Provincial Court Family Rules
Rules 15 and 42

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Notice of Intention to Proceed provides notice that a party is seeking to proceed with a family law matter that has already been initiated but no step in the case has been taken for over one year and no final order has been made.

Please read before completing the form:

- This form is only to be used to proceed with a family law matter when the last step completed in the case by any party was more than one year ago and no final order has been made.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

For more information about how to proceed with your family law matter if less than a year has passed since your last step or a final order was made, see the guidebook.

Part 1 | About the parties

1. My **full name** is: _____
   Full name of party

   My **date of birth** is: _____
   (dd/mmm/yyyy)

2. The **other party's full name** is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____

Copy the party information from a filed document in your case. It should match.

Part 2 | Intention to proceed

3. ❑ More than one year has passed since the parties have taken any step in my case and **I want to proceed with the family law matter(s) as set out in the following document** filed with the court:
   - ❑ Notice to Resolve a Family Law Matter
   - ❑ Application About a Family Law Matter
   - ❑ Other *(specify)*: _____

If you have already filed an Application About a Family Law Matter, you do not need to also select the Notice to Resolve.

IMPORTANT NOTE:

Before proceeding any further with your case, you must participate in a needs assessment or attend a family management conference depending on the last step taken in your case, as described in the rules and **set out in Part 6 of this Notice**.

Part 3 | Notice

4. ❑ I understand **I must give notice** of my intention to proceed to each other party.
   To give notice, each other party must be:
   - **provided with a copy of this document**, if I am proceeding on a filed Notice to Resolve a Family Law Matter (an Application About a Family Law Matter has not been filed)
   - **served with a copy of this document**, if I am proceeding on a filed Application About a Family Law Matter

For more information about how to give notice to the other party, see the guidebook.

Part 4 | Latest step taken in case

5. The last step completed in my case, by any party, on _____ was:
   Date (dd/mmm/yyyy)

   Select only one of the options below and complete the required information
   - ❑ Filing of the **Notice to Resolve a Family Law Matter**
   - ❑ Filing of the **Application About a Family Law Matter**
   - ❑ Participation in a **needs assessment**
   - ❑ Completion of a **parenting education program**
   - ❑ Participation in **consensual dispute resolution**
   - ❑ Other *(specify)*: _____

Different registry types have different steps that may be required for a family law matter. A step listed here may not apply to you.

The timing when a step is required is also different for different registry types.

Part 5 | Current address for service

6. My current **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

NOTE TO THE OTHER PARTY:

If your address for service and/or contact information filed with the court is not current, you must file a Notice of Address Change in Form 46 and serve a copy of the notice on each other party. Your address must be current to receive notice of any court appearance.

Part 6 | What you must do to proceed with your family law matter

You **do not** need to **complete this Part** to file the form. It provides you with a checklist of the next steps you must take to proceed with your family law matter.

Step 1:

❑ Give **notice** of the Notice of Intention to Proceed **to each other party**

Note: If the Notice to Resolve or Application About a Family Law Matter has not been given to the other party, you must include a copy of it along with the Notice of Intention to Proceed.

For more information about how to serve or provide notice to the other party, including proof of service, see the guidebook.

Step 2:

If your case is in an **early resolution registry and no Application** About a Family Law Matter **has been filed**, you must participate in a **needs assessment**.

❑ **Contact** Family Justice Services Division to **schedule** your individual **needs assessment**

FJSD
contact information

At the needs assessment, you will receive to help identify the next steps for you.

You may be required to meet the other early resolution requirements, if applicable, including:

- Completion of a parenting education program
- Participation in a consensual dispute resolution session

❑ **Participate in a needs assessment**

If your case is in an **early resolution registry and** an **Application** About a Family Law Matter has been **filed or** your case is in **any other registry**, you must attend a **family management conference**.

❑ **File** proof of service of the Notice of Intention to Proceed on each other party

❑ **Schedule** a family management conference

The court registry will provide you with information about how to schedule the family management conference after you have filed a Certificate of Service to prove service of the Notice of Intention to Proceed on each other party.

To schedule a family management conference, you must also have met any other requirements for scheduling including any of the following as applicable:

- filing proof of service of the Application About a Family Law Matter, **or** a reply was filed by the other party
- participating in a needs assessment and filing a Referral Request Form 21
- completing a parenting education program and filing a certificate of completion

The requirements for scheduling a family management conference are set out in Rules 37 to 40, as applicable.

❑ **Attend** the family management conference

At the family management conference, the judge will help to determine the next steps that are right for your case.

Application About a Family Law Matter

Form 3

Provincial Court Family Rules
Rule 24

COURT STAMP

Registry location:

Court file number:

Last names of parties:
Party 1/ Party 2

Document number:
For registry use only

This Application About a Family Law Matter provides notice to each party, and the court, of the family law matters to be resolved with the help of the court and may include:

- an application for a court order about a family law matter when no order or agreement about the issue has been made before,
- an application to change or cancel all or part of an existing final order about a family law matter, or
- an application to set aside or replace all or part of an existing agreement about a family law matter

A family law matter is a defined term under Rule 2 that means a case about one or more of the following:

- Parenting arrangements
- Child Support
- Contact with a child
- Guardianship of a child
- Spousal Support
- Property division in respect of a companion animal

Please read before completing the form:

- You must complete the main application and any applicable schedule(s) for your family law matter(s) identified in Part 3 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

IMPORTANT NOTE TO THE OTHER PARTY:

A party who is served with this application may file a reply. To file a reply, the party or their lawyer, must file a Reply to an Application About a Family Law Matter Form 6 and, if applicable, a Financial Statement Form 4, **within 30 days** after the date the party was served with the application.

If you do not file a reply within the 30-day period, you will not be entitled to receive notice of any part of the case, including any conference, hearing or trial, and orders may be made in your absence.

As set out in Rule 28, to reply, a party must:

- file a reply in Form 6
- if the application is about child support or spousal support, file a financial statement
- if the application is in an early resolution registry, have already met the early resolution requirements

Part 1 | Notice of the application

1. ❑ I understand the following people **must be given notice** of my application:

- all parents and current guardians of each child who is the subject of the family law matter
- my spouse, if I am applying for spousal support or property division in respect of a companion animal
- each other adult who the family law matter is about

They are the other party/parties in this case. To give notice, **they must each be served** with a copy of this document and any supporting documents.

For more information about serving the other party, see the guidebook.

Additional notice requirements, as applicable:

If your application is about a **support** order or agreement that is **filed with the Director of Maintenance Enforcement**, you must give notice to the director.

If your application is about guardianship of a **Nisga'a** or **Treaty First Nation child**, you must give notice to the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs.

For more information about the additional notice requirements, see the guidebook.

Part 2 | About the parties

2. My **full name** is: _____
Full name of party

My **date of birth** is: _____
(dd/mmm/yyyy)

3. The **other party's full name** is: _____

Their **date of birth** (dd/mmm/yyyy) is: _____

❑ There is an additional party.

The **additional party's** full name is: _____

Their **date of birth** (dd/mmm/yyyy) is: _____

If you need to add another party or need more space for any field on this form, you can attach a separate piece of paper to this application that includes the information.

Part 3 | Relationship between the parties

4. *Select only one of the options below unless there is more than one party and both apply*

❑ I am (or was) the other party's **spouse**. We are (or were) **married** or have **lived together** in a marriage-like relationship.

Complete the information below about your relationship, as applicable. You may leave a field blank if it does not apply

Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy):

Date of marriage (dd/mmm/yyyy):

Date of separation (dd/mmm/yyyy):

❑ I have never been the other party's spouse.

*Please **describe your relationship** to the other party*

Spouses may be separated even if they continue to live in the same residence [s. 3(4) Family Law Act].

Part 4 | Identification of children

5. *Select the correct option below and provide the additional information if applicable*

❑ My family law matter is **not about a child** or children *(skip to Question 8)*

❑ My family law matter is about **the following child** or children:
Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**My relationship to the child**	**Other party's relationship to the child**	**Child currently living with** (name of person)

A child's residence is usually where they live at least 40% of the time. If a child currently splits their time between two residences, include both.

6. ❑ I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [s. 37 Family Law Act].

For more information about best interests of the child, see the guidebook.

Part 5 | About us

7. I would like to share the following information with the court about the **cultural, linguistic, religious and spiritual upbringing and heritage of my family**, including, if the child is an Indigenous child, the child's Indigenous identity:
You may choose to leave this question blank

Part 6 | Existing orders and agreements

8. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

❑ **Yes** **(see attached copy)** ❑ **No**

Include any order (interim or final), agreement or plan from any level of court and any location.

9. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes** **(see attached copy)** ❑ **No**

If yes, you must attach a copy of any order, agreement or plan to this application for filing.

Part 7 | What you are asking for in this application

You may apply for a court order about one or more family law matters. If you have an existing final order or written agreement about the family law matter, the information you must provide the court is a little different than if you have never had a final order or agreement.

Select each family law matter you want an order about and select the appropriate answer to the question below to identify which schedule you must complete.

This part will help you identify which family law matter you need a court order about and the additional schedule you must complete to provide more information to the court and the other party.

10. I am **applying for a court order** about the following family law matter(s):

❑ **Parenting arrangements**, including parental responsibilities and parenting time

Parenting arrangements include how each guardian will parent their child(ren), including each guardian's responsibilities for decision making about a child and the time each guardian spends with a child. Parental responsibilities can be shared by one or more guardians exclusively, separately, or jointly.

→ Do you have a final order or written agreement about parenting arrangements, including parental responsibilities and parenting time?

❑ **No** → *Complete **Schedule 1*** ❑ **Yes** → *Complete **Schedule 2***

❑ **Child support**

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for the child.

→ Do you have a final order or written agreement about child support?

❑ **No** → *Complete **Schedule 3*** ❑ **Yes** → *Complete **Schedule 4***

❑ **Contact with a child**

Contact with a child is the time a child spends **with someone who is not their guardian**.

→ Do you have a final order or written agreement about contact with the child?

❑ **No** → *Complete **Schedule 5*** ❑ **Yes** → *Complete **Schedule 6***

❑ **Guardianship of a child** - Appointing a **new guardian** or **cancelling guardianship** of a child

Guardianship is who is responsible for a child. Only guardians have parental responsibilities and parenting time with a child.

→ *Complete **Schedule 7***

❑ **Spousal Support**

Spousal support is money that one spouse pays to another spouse for their financial support after separation.

→ Do you have a final order or written agreement about spousal support?

❑ **No** → *Complete **Schedule 8*** ❑ **Yes** → *Complete **Schedule 9***

❑ **Property division in respect of a companion animal**

Property division in respect of a companion animal is who will have ownership and possession of a companion animal when spouses separate. The court may only make an order for ownership and possession by one spouse.

→ Do you have a written agreement about property division in respect of the companion animal?

❑ **No** → *Complete **Schedule 10*** ❑ **Yes** → *Complete **Schedule 11***

IMPORTANT NOTE:

If you have an **interim order** about a family law matter that you want to change or cancel, you must file a Request for Scheduling Form 39.

If you already filed an application or counter application about a family law matter, and you need an interim order, speak to the judge at your next scheduled appearance or file a Request for Scheduling Form 39 to request a court appearance.

For more information about whether you have an interim or final order, see the guidebook.

Part 8 | Filing location and initial requirements

11. I am filing this application in the court registry:
Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a court file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Closest to **where I live** because my case does not involve a child-related issue
- ❑ Permitted by **court order**

12. ❑ I understand that I may be required to **complete additional requirements** before filing my application or scheduling a family management conference depending on the court registry where my case is filed, including one or more of the following:

- an online parenting education program (Parenting After Separation)
- an individual needs assessment with a family justice counsellor
- at least one consensual dispute resolution session, if applicable

Rule 7 sets out these requirements for which registry to use.

Talk to the court registry to see if there is already an existing case at a court location.

For more information about the different registry types and how to meet the requirements, see the guidebook.

Part 9 | Lawyer's statement – Complete this part only if you are a lawyer for the party.

13. *If you are not a lawyer, you may leave this question blank*

❑ I, _____ (Full name of lawyer), the lawyer for _____ (Full name of party), acknowledge that I have complied with the requirements of section 8 of the Family Law Act.

Part 10 | Address for service

14. My **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1 | Parenting Arrangements | No existing final order or written agreement

Complete this schedule only if you need a court order about parenting arrangements, including parental responsibilities and parenting time, and you do not have an existing final court order or written agreement about parenting arrangements.

Part 1 | Guardian of the child

1. *Select the option that applies to your situation*

- ❑ I am the **child's guardian**
- ❑ I am **applying to be appointed** as the child's guardian *(I am also completing **Schedule 7**)*

Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 39 Family Law Act].

For information about who is a guardian of a child, see the guidebook.

Part 2 | Order about parenting arrangements

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

2. I am applying for an **order about parental responsibilities** as follows:
List the details of the order you are asking for. You may leave this question blank.

Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]

3. I am applying for an **order about parenting time** as follows:
List the details of the order you are asking for. You may leave this question blank.

4. I am applying for an order about

- the **implementation of an order** about parenting arrangements made under the Family Law Act, or
- the **means for resolving disputes** about an order about parenting arrangements made under the Family Law Act,

as follows:
List the details of the order you are asking for. You may leave this question blank.

5. I am applying for **directions** from the court under s. 49 of the Family Law Act respecting the following **issue affecting a child**:

S. 49 of the Family Law Act allows a child's guardian to apply to court for directions respecting an issue affecting the child, and the court may make an order giving the directions it considers appropriate.

Part 3 | Best interests of the child

6. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2 | Parenting Arrangements | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about parenting arrangements, including parental responsibilities and parenting time, and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or written agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about parenting arrangements, including parental responsibilities or parenting time, **made on** *(date)* _____ that I want to change or cancel **(see attached copy of order)**. ➜ *Complete **Part 2***
- ❑ I have **a written agreement** about parenting arrangements, including parental responsibilities or parenting time, **made on** *(date)* _____ that I want to repeal or replace **(see attached copy of order)**. ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the final order was made, **needs or circumstances have changed** as follows:

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** ➜ *Complete **Part 4** and **5***
- ❑ **suspended** ➜ *Complete **Part 5***
- ❑ **cancelled** ➜ *Complete **Part 5***

The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 47 Family Law Act].

Part 3 | Agreement – Complete this part only if you have a written agreement

4. I believe the written agreement is **not in the best interests** of the child(ren) because:

5. I am applying for the written agreement to be:
Select only one option

- ❑ **set aside** ➜ *Complete **Part 5***
- ❑ **replaced with an order** ➜ *Complete **Part 4** and **5***

The court must set aside or replace with an order, all or part of an agreement about parenting arrangements, if the court is satisfied that the agreement is not in the best interests of the child [s. 44 Family Law Act].

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for an order for the parenting arrangements, including parental responsibilities and parenting time, to be **changed or replaced as follows**:
List the details of the order you are asking for

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

Part 5 | Best interests of the child

7. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

For more information, see the guidebook.

Schedule 3 | Child Support

No existing final order or written agreement

Complete this schedule only if you need a court order about child support and you do not have an existing final court order or written agreement about child support.

Part 1 | About the payor

1. The **payor** is:

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ other *(specify)*:

A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

Other guardians and stepparents may also be responsible for paying child support [s. 147 Family Law Act].

Part 2 | Current circumstances

2. The **current support arrangements** are as follows:

3. The child or children **currently spend time** with each party as follows:

4. *Select only one of the options below*

- ❑ Each child I am applying for an order for child support for is **under 19 years** of age
- ❑ The following child(ren) is/are **19 years of age or older** and need(s) child support because of illness, disability, or because they are a full-time student:

Full name of child	Reason for child support Select the applicable option		
	❑ illness	❑ disability	❑ student
	❑ illness	❑ disability	❑ student

A child, for the purposes of child support, includes a person who is over 19 years of age, and is unable because of illness, disability or another reason to obtain the necessities of life or withdraw from the charge of their parents [s. 146 Family Law Act].

Part 3 | Order about child support

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of eligible children and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

5. *Select each applicable option and complete the requested information*

- ❑ I am applying for an order for ongoing support to be paid by *(name of paying party)* in the monthly amount set out in the child support guidelines for *(number)* child(ren).
  - ❑ Based on the information I know about the other party's income and my application for child support I expect the amount payable for monthly child support to be approximately $.
  - ❑ I am not able to estimate the amount payable for monthly child support at this time.
- ❑ I am applying for an order for **special or extraordinary expenses** under section 7 of the child support guidelines as follows:
  List the expenses you are claiming for each child.
  You must file a Financial Statement Form 4 to itemize the specific amounts.

For more information about how to calculate the amount payable for child support, see the guidebook.

For more information about what can be included as special or extraordinary expenses, see the guidebook.

- ❑ I am applying for an order to **change the guideline amount payable** because the guideline amount would cause me **undue hardship** because I have:
  - ❑ an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ a legal duty to support a dependent child from another relationship
  - ❑ other undue hardship circumstances *(specify)*:

The court may order child support in an amount different from the guidelines if appropriate [s. 10 Child Support Guidelines].

In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

6. Child support payments should **start on** _____ because:
Date (dd/mmm/yyyy) or event

Part 4 | Income information

7. One or more of the following **applies to my application** for child support:
- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than $150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship

❑ **Yes** → *You **are required** to file a Financial Statement Form 4. Complete **Question 8**.*

❑ **No** → *You **are not required** to file a Financial Statement Form 4 at this time. Skip to **Question 9**.*

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

IMPORTANT NOTE:
You may also provide this financial information before receiving the other party's reply to avoid delay, if you believe that the income of the other party is over $150,000 per year or that they will claim undue hardship, special or extraordinary expenses, or child support from you.

8. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.
Select only one of the options below
- ❑ I **am filing** a Financial Statement in Form 4 with this application.
- ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

9. *Select only one of the options below and provide the requested information*

- ❑ I believe the **payor's annual income** is $ _____ because:

- ❑ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 4 | Child Support | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about child support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about child support made on *(date)* _____ that I want to change or cancel **(see attached copy of order)**.→ *Complete **Part 2***
- ❑ I have **a written agreement** about child support made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**. → *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. Since the final order was made, the following circumstances occurred:
Select all options that apply and complete the required information

- ❑ My financial situation has changed
- ❑ I believe the other party's financial situation has changed
- ❑ The special or extraordinary expenses for the child(ren) have changed as follows:
- ❑ The child(ren)'s living arrangements have changed as follows:
- ❑ Information has become available that was not available when the order was made *(specify)*:
- ❑ Other changes or circumstances *(specify)*:

The court can only change, suspend or cancel a final order if certain circumstances exist [s. 152 Family Law Act and s. 14 Child Support Guidelines].

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** → *Complete **Part 4***
- ❑ **suspended** → *Skip ahead to **Part 5***
- ❑ **cancelled** → *Skip ahead to **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about child support **should be set aside or replaced** because:

The court must set aside or replace with an order, all or part of an agreement about child support if the court would make a different order on consideration of the matters set out in s. 150 [determining child support] [s. 148 Family Law Act].

5. I am applying for the existing agreement to be:
Select only one option

❑ **set aside** ➜ *Skip ahead to **Part 5***
❑ **replaced with an order** ➜ *Complete **Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for the final order or agreement about child support, including section 7 special or extraordinary expenses, to be **changed or replaced as follows**:
List the details of the order you are asking for

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table.

7. *Select only one of the options below*

❑ Based on the information I know about the other party's income and my application for child support I expect **the amount payable** for monthly child support to be approximately $.

❑ I am **not able to estimate the amount payable** for monthly child support at this time.

For more information about how to calculate the amount payable for child support, see the guidebook.

8. Child support payments should **start on** _____ because:
Date (dd/mmm/yyyy) or event

In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 5 | Unpaid child support

9. As of _____, the amount of **unpaid child support** (arrears) was $
Date (dd/mmm/yyyy)

10. *Complete only if there is unpaid child support. You may leave this question blank.*
Select only one of the options below.

❑ I am **not applying to reduce** the amount of unpaid child support (arrears)
❑ I am **applying to reduce** the amount of unpaid child support (arrears) to $ because:

On application, a court may reduce or cancel unpaid child support that is owing (arrears) under an agreement or order about support if satisfied that it would be grossly unfair not to reduce or cancel the arrears [s. 174 Family Law Act].

11. *Complete only if there is unpaid child support. You may leave this question blank.*
I am applying for an order that the remaining **unpaid child support (arrears) be paid** as follows:
Select all options that apply and complete the required information

❑ At a rate of $ per month
❑ In a lump sum
❑ Other *(specify)*:

The court may order that support be paid in different ways [s. 170 Family Law Act].

Part 6 | Income information

12. One or more of the following **applies to my application** for child support:

- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than $150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship

❑ **Yes** → *You **are required** to file a Financial Statement Form 4. Complete **Question 8**.*

❑ **No** → *You **are not required** to file a Financial Statement Form 4 at this time. Skip to **Question 9**.*

13. I am required to file a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

❑ I **am filing** a Financial Statement in Form 4 with this application.

❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 5 | Contact with a child

No existing final order or written agreement

Complete this schedule only if you need a court order about contact with a child and you do not have an existing final court order or written agreement about contact with a child.

Part 1 | Relationship to the child

Children often have important relationships with people other than their parents/guardians. These include grandparents, elders, relatives, and others close to the child. Usually, these relationships are supported by the parents or guardians.

If an agreement is not possible, the person who believes they should have contact with the child can apply for a court order.

The court may grant contact to a person who is not a guardian, including to a parent or grandparent [s. 59 Family Law Act].

The person seeking contact with a child must make their own application.

1. *Please confirm the following statement if true*

- ❑ I am **not a guardian** of the child(ren)

2. The **last contact** with the child(ren) was on or around _____
Date (dd/mmm/yyyy)

Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 2 | Order about contact with a child

3. I am applying for an order for the child(ren) to have **contact with a person <u>who is not their guardian</u>** as follows:
Select all options that apply and complete the required information

- ❑ In person *(specify)*:
  Provide details including specific dates or events requested, or dates and times that would be most suitable
- ❑ Telephone communication
- ❑ Video communication
- ❑ Written communication
- ❑ Other method of communication *(specify)*:

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

4. *Complete if applicable. You may leave this question blank.*
I am applying for **additional terms about contact** with a child as follows:
List the details of the terms you are asking for

The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 3 | Best interests of the child

5. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 6 | Contact with a child | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about contact with a child and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

❑ I have **a final court order** about contact with a child made on *(date)* _____ that I want to change or cancel **(see attached copy of order)**.➜ *Complete **Part 2***

❑ I have **a written agreement** about contact with a child made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**. ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. Since the final order was made, the needs or circumstances have changed as follows:

The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 60 Family Law Act].

3. I am applying for the final order to be:

Select only one option

❑ **changed** ➜ *Complete **Part 4***

❑ **suspended** ➜ *Skip ahead to **Part 5***

❑ **cancelled** ➜ *Skip ahead to **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about contact with a child is **not in the best interests of the child(ren)** because:

The court must set aside or replace with an order, all or part of an agreement about contact with a child if the court is satisfied that the agreement is not in the best interests of the child [s. 58 Family Law Act].

5. *Select only one option*

I am applying for the existing agreement to be:

❑ **set aside** ➜ *Skip ahead to **Part 5***

❑ **replaced with an order** ➜ *Complete **Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying to change or replace the existing final order or agreement about contact with a child as follows:

Select all options that apply and complete the required information

- ❑ In person *(specify)*:
  Provide details including specific dates or events requested, or dates and times that would be most suitable
- ❑ Telephone communication
- ❑ Video communication
- ❑ Written communication
- ❑ Other method of communication *(specify)*:

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

7. *Complete if applicable. You may leave this question blank.*

I am applying for **additional terms about contact** with a child as follows:

List the details of the terms you are asking for

The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 5 | Best interests of the child

8. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 7 | Guardianship of a child | Appointing a guardian or terminating guardianship

Complete this schedule only if you need a court order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

Please read before completing this schedule:

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

The Family Law Act provides that while a child's parents are living together and after the child's parents separate, each parent will continue to be the child's guardian and will have parental responsibilities with respect to the child [ss. 39 and 40]. This does not mean that parents must have equal responsibility for a child.

An agreement or order about parenting arrangements can give parental responsibilities to one or more guardians only, each guardian acting separately, or all guardians acting together [s.40]. You can use Schedule 1 or Schedule 2 to apply for an order about parenting arrangements.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. An agreement or order can provide that a parent is not the child's guardian [s.39].

Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 1 | Order about guardianship

1. *Select each option that applies*

- ❑ I am applying to be **appointed as a guardian** of the child(ren)
- ❑ I am applying for the following person(s) to **no longer be the guardian** of the child(ren):
  Complete the information requested below. Specify the child only if the information does not apply to each child this application is about.

Full name of guardian:	**They have been a guardian of the child(ren) since:**	**Name of child(ren)** You may leave blank

The court may appoint a person as a child's guardian or terminate a person's guardianship of a child [s. 51 Family Law Act].

You may state "since birth" in the middle column instead of putting the specific date, if applicable [s. 51 Family Law Act].

Part 2 | Best interests of the child

2. I believe the order about guardianship of a child that I am applying for is in the **best interests of the child(ren)** because:
List your reasons

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

Part 3 | Indigenous ancestry of child(ren)

3. Is the child or children **Indigenous**?

- ❑ **Yes** → *go to **next question***
- ❑ **No** → *Skip ahead to **Part 4***
- ❑ **Unknown** → *Skip ahead to **Part 4***

4. *Complete this question only if a child is Indigenous.*
If not, you may leave this question blank.
Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ❑ First Nation
- ❑ Nisga'a
- ❑ Treaty First Nation, including:
  - Tsawwassen First Nation
  - Maa-nulth First Nations:
    - Huu-ay-aht First Nations
    - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
    - Toquaht Nation
    - Uchucklesaht Tribe
    - Yuułuʔiłʔatḥ Government
  - Tla'amin Nation
- ❑ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ❑ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.

For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 4 | Guardianship affidavit and supporting documents - Complete this part only if you are applying to be appointed as a guardian

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26].

5. ❑ I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.

6. ❑ I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.

7. *Select only one of the options below*

- ❑ I am **filing the following required documents** along with this application:
  - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
  - a request, in the form provided by the registry, to search the protection order registry
- ❑ I am **not able to file the required documents** with this application.
  I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.

To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.

For more information about how to complete a record check, including where to find the forms, see the guidebook.

You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 8 | Spousal Support

No existing final order or written agreement

Complete this schedule only if you need a court order about spousal support and you do not have an existing final court order or written agreement about spousal support.

Part 1 | Entitlement to spousal support

1. I believe that I am, or the other party is, **entitled to spousal support** for the following reason(s):
Select all options that apply

- ❑ To recognize **economic advantages or disadvantages** to the spouses arising from the relationship or breakdown of the relationship
- ❑ To share the **financial consequences** arising from caring for the children during the relationship, beyond the duty to provide support for the child
- ❑ To **relieve economic hardship** of the spouses arising from the breakdown of the relationship
- ❑ To help each spouse **become financially independent** within a reasonable period

If after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support, the other spouse has a duty to provide support [s. 160 Family Law Act].

Part 2 | Current support

2. The **current support** arrangements are as follows:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].

Part 3 | Order about spousal support

3. I am applying for an **order for spousal support** to be paid by *(name of paying party)* as follows:

- ❑ **Monthly payments** to commence on *(date)* *(number)* ❑ **month(s)** ❑ **year(s)**
- ❑ **Lump sum** payment
- ❑ **Other** *(specify)*:

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

4. Based on the information I know about each party's means, needs, and other circumstances:
Select only one of the options below

- ❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ to $
- ❑ I expect a **lump sum amount payable** for spousal support to be approximately $
- ❑ I am **not able to estimate** the amount payable for spousal support at this time

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 4 | Income and earning potential information

5. My current employment situation, training, health and ability to work are as follows:

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

6. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

❑ I **am filing** a Financial Statement in Form 4 with this application.

❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

7. *Select only one of the options below and provide the requested information*

❑ I believe the **payor's annual income** is $ _____ because:

❑ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 9 | Spousal Support | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about spousal support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about spousal support made on *(date)* _____ that I want to change or cancel **(see attached copy of order)**.➜ *Complete **Part 2***
- ❑ I have **a written agreement** about spousal support made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**. ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. **Since the final order** was made, the following circumstances occurred:

- ❑ My financial situation has changed
- ❑ I believe the other party's financial situation has changed
- ❑ My employment, training, health and/or ability to work has changed as follows:
- ❑ My household expenses have changed as follows:
- ❑ Information has become available that was not available when the order was made *(specify)*:
- ❑ Other changes or circumstances *(specify)*:

The court can only change, suspend or cancel a final order if certain circumstances exist [s. 167 Family Law Act].

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** ➜ *Complete **Part 4** and **5***
- ❑ **suspended** ➜ *Complete **Part 5***
- ❑ **cancelled** ➜ *Complete **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about spousal support **should be set aside or replaced** because:

The court must set aside or replace with an order, all or part of an agreement about spousal support if the court is satisfied one or more circumstances set out in s. 164 (3) of the Family Law Act existed when the parties entered into the agreement, or the agreement is significantly unfair.

5. I am applying for the existing agreement to be:
Select only one option

❑ **set aside** ➜ *Skip ahead to **Part 5***

❑ **replaced with an order** ➜ *Complete **Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for the final order or agreement about spousal support to be **changed or replaced as follows**:
List the details of the order you are asking for

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

7. Based on the information I know about each party's means, needs, and other circumstances:
Select only one of the options below

❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ _____ to $ _____

❑ I expect a **lump sum amount payable** for spousal support to be approximately $ _____

❑ I am **not able to estimate** the amount payable for spousal support at this time

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 5 | Unpaid spousal support

8. As of _____ (Date (dd/mmm/yyyy)), the amount of **unpaid spousal support** (arrears) was $ _____

9. *Complete only if there is unpaid spousal support. You may leave this question blank.*
Select only one of the options below.

❑ I am **not applying** to reduce the amount of unpaid spousal support (arrears)

❑ I am **applying to reduce the amount** of unpaid spousal support (arrears) to $ _____ because:

10. *Complete only if there is unpaid spousal support. You may leave this question blank.*
I am applying for an **order that the remaining unpaid spousal support** be paid as follows:

❑ At a rate of $ _____ **per month**

❑ In a **lump sum** payment

❑ **Other** *(specify)*:

Part 6 | Income information

11. I am required to file a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ❑ I **am filing** a Financial Statement in Form 4 with this application.
- ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 10 | Property division in respect of a companion animal | No existing final order or written agreement

Complete this schedule only if you need a court order about property division in respect of a companion animal and you do not have an existing final court order or written agreement about property division in respect of the companion animal.

Part 1| Order about property division in respect of a companion animal

1. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal
		❑ Me ❑ Other party
		❑ Me ❑ Other party
		❑ Me ❑ Other party
		❑ Me ❑ Other party

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse.**

Part 2 | The facts

2. The **facts** on which this application is based are **as follows**:
Provide the facts you want the court to consider and why the court should make the order you are applying for

In determining whether to make an order respecting a companion animal, the court must consider the following factors set out in section 97 (4.1) of the Family Law Act:

- the circumstances in which the companion animal was acquired
- the extent to which each spouse cared for the companion animal
- any history of family violence
- the risk of family violence
- a spouse's cruelty, or threat of cruelty, toward an animal
- the relationship that a child has with the companion animal
- the willingness and ability of each spouse to care for the basic needs of the companion animal
- any other circumstances the court considers relevant

Schedule 11 | Property division in respect of a companion animal | Existing written agreement

Complete this schedule only if you have an existing written agreement about the companion animal and you need a new court order made to set aside or replace the written agreement.

Part 1 | Written agreement

1. ❑ I have **a written agreement** about property division in respect of a companion animal made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**.

You must attach a copy of the agreement to this application for filing.

2. I believe the agreement about property division in respect of a companion animal should be set aside or replaced because:

As set out in s. 93 of the Family Law Act, the court must set aside or replace with an order, all or part of an agreement about property division if the court is satisfied one or more specified circumstances existed when the parties entered into the agreement, or the agreement is significantly unfair.

3. I am applying for the existing agreement to be:
Select only one option

❑ **set aside**

❑ **replaced with an order** → *Complete **Part 4***

Part 2 | Order about property division in respect of a companion animal – Complete this part only if you are asking to replace the existing agreement

4. I am applying for the agreement about a companion animal to be **replaced with an order** as follows:
List the details of the order you want the court to make

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse**.

Financial Statement

Form 4

Provincial Court Family Rules
Rules 3, 25, 28 and 172

COURT STAMP

Registry location:

Court file number:

Last names of parties:
Party 1/ Party 2

Document number:
For registry use only

This Financial Statement provides the financial information of a party in support of a claim for support.

Please read before completing the form:

- This form has six parts. Which parts you must complete depends on your situation. You may not have to complete the form at all.
- For guidance filling in this form, including which parts may apply to you, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

I, _____ , _____ of _____ ,
Full name | Occupation | Address of person, City, Province

For more information about swearing or affirming an affidavit, see the guidebook.

SWEAR OR AFFIRM THAT:

1. The information set out in this financial statement is true, to the best of my knowledge.

2. I have made complete disclosure in this financial statement of:
Select all options that apply. Complete the part(s) as required.
   - ❑ my income, including benefits and adjustments, if any, in **Part 1**
   - ❑ my expenses and debts, in **Part 2**
   - ❑ my assets, in **Part 3**
   - ❑ special or extraordinary expenses, if any, in **Part 4**
   - ❑ income of other person(s) in my household, in **Part 5**
   - ❑ undue hardship, in **Part 6**

For more information about which part(s) you may need to complete, see the guidebook.

Sworn or affirmed before me
at _____ , British Columbia
City
on _____
Date

A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

Signature

This document must be signed only with a commissioner for taking affidavits. **Do not sign** the document until they tell you to. You will sign it with them.

Part 1 | Income

Tax documents

1. I am **attaching** a copy of each of the following documents to my financial statement:

- ❑ my **tax return and related schedules** for each of the **three** most recent taxation **years**; and
- ❑ any **notice of assessment and reassessment** issued by the CRA for each of the **three** most recent taxation **years**

You must attach your last 3 years of tax returns and notice of assessment/reassessment.

Sources and amounts of income

2. All my **sources** of income and **amounts** of income **per month** are as follows:
Select and complete all options that apply. Please use gross amounts (before taxes or deductions).

- ❑ employment income of $ _____ per month from _____
- ❑ employment insurance benefits of $ _____ per month
- ❑ workers compensation benefit of $ _____ per month
- ❑ interest and investment income of $ _____ per month
- ❑ pension income of $ _____ per month
- ❑ government assistance income of $ _____ per month from _____
- ❑ self-employment income of $ _____ per month
- ❑ trust income of $ _____ per month
- ❑ other income of $ _____ per month from _____

The child support guidelines describe the requirements for disclosure, calculating income, and proof of income that are required for child support applications.

The specific income information that must be provided is set out in s. 21 of the Child Support Guidelines.

Proof of income

3. I am **attaching proof of income** from all applicable sources, including my:
Select and attach all options that apply

- ❑ most recent pay stub or statement of earnings, or a letter from my employer stating my salary and/or wages
- ❑ most recent employment insurance benefit statement and record of employment
- ❑ most recent workers compensation benefit statement
- ❑ most recent interest and investment statement
- ❑ most recent pension income statement
- ❑ most recent government assistance statement
- ❑ self-employment income for the three most recent taxation years, including:
  - (i) the financial statements of my business or professional practice, other than a partnership, and
  - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length
- ❑ confirmation of income and draw from, and capital in, a partnership, for the three most recent taxation years
- ❑ corporate income for the three most recent taxation years, including:
  - (i) the financial statements of the corporation and its subsidiaries, and
  - (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation, does not deal at arm's length
- ❑ trust settlement agreement and the trust's three most recent financial statements
- ❑ other *(specify)*: _____

You must attach a copy the proof of income from each source you identified in this section.

Changes to income

4. *Select whichever option is correct and complete any required information*

- ❑ I do not expect any significant changes to my total income this year.
- ❑ I expect my total income this year to be $ _____ because:

_____

Annual income summary

5. Complete the table below. **Use the gross amounts** (before taxes or deductions) **except where the word "net" appears**. Put "0" in a field if it doesn't apply to you.

Total income		
1	My **total annual income before adjustments**	$

Adjustments to total income in accordance with Schedule III of the Child Support Guidelines		
Deductions (use annual amounts)		
2	Spousal support received	+ $
3	Split-pension amount	+ $
4	Employment expenses including union dues and other professional dues	+ $
5	Social assistance received for other members of your household	+ $
6	Excess portion of dividends from taxable Canadian corporations	+ $
7	Actual business investment losses	+ $
8	Carrying charges	+ $
9	Partnership or sole proprietorship income required to use for capital in the partnership/proprietorship	+ $
10	**Total deductions from income** *(add lines 2 through 9)*	- $
Additions (use annual amounts)		
11	Offset of capital gains and capital losses *(if zero or less, indicate "0" in this line)*	$
12	Payments made from self-employment income including wages to non-arm's length parties except for the portion that is necessary to earn self-employment income	+ $
13	Capital cost allowance for property	+ $
14	Value of exercised employee stock options with Canadian-controlled private corporation	+ $
15	**Total additions to income** *(add lines 13 through 16)*	+ $
16	**Annual income for child support purposes** *(line 1 minus line 10 plus line 15)*	$
17	***Add*** Any benefit paid to you for a child for whom special or extraordinary expenses are being requested that is not included in the income on line 16	+ $
18	***Add*** Spousal support received from other party (if any)	+ $
19	***Subtract*** Spousal support paid to other party (if any)	- $
20	**Annual income for special or extraordinary expenses** *(line 18 plus lines 19 and 20, minus line 21)*	$
Other additions to income for spousal support *(complete only if there is an application for spousal support)*		
21	Total child support received	+ $
22	Social assistance received for other members of your household	+ $
23	Any government benefit received for a child that is not included in the income on line 16	+ $
24	**Annual income for spousal support purposes** *(line 16 plus lines 21 through 23)*	$

The adjustments you can apply to calculate your income for support are different than you might be able to claim for taxes.
This section will collect information about your income and the adjustments that can be applied.

If your income and adjustments are expected to be similar to your most recent federal income tax return, you can use those amounts for the annual income summary. If not, record what you expect the amounts to be.

For tips and information about how to complete this section, see the guidebook.

Part 2 | Personal expenses and debts

Complete this part only if you are required to provide information about expenses and debts.

See the chart in the introduction to this form to determine if this part applies to your situation.

Expenses

An expense is the amount of money **you spend** on something.

Estimate how much you pay **monthly** and **yearly** for each of the expenses listed below.

You may be asked to provide the court with proof of an amount or a breakdown of how you came to the estimate.

For tips and information about how to complete this section, see the guidebook.

Keep a record of how you calculated an amount. You may need to provide it to the court.

You may also be asked to provide proof of daily living expenses such as bill payments and bank statements.

Expenses			TOTAL Monthly	TOTAL Yearly
Housing	**Monthly**	**Yearly**		
Rent/mortgage	$	$		
Property taxes and strata fees	$	$		
Utilities include electricity, gas, water, waste, home phone, and internet	$	$		
Homeowner/renter's insurance	$	$		
Home maintenance and repair	$	$		
Other	$	$		
Housing Subtotal:	$	$	$	$
Food & Household Supplies	**Monthly**	**Yearly**		
Groceries	$	$		
Eating out	$	$		
Household supplies such as cleaning supplies, lightbulbs, batteries, toilet paper and laundry detergent	$	$		
Other	$	$		
Food & Household Supplies Subtotal:	$	$	$	$
Transportation	**Monthly**	**Yearly**		
Car insurance and car loan payments	$	$		
Fuel	$	$		
Maintenance and repairs	$	$		
Public transit, taxis and parking	$	$		
Other	$	$		
Transportation Subtotal:	$	$	$	$
Clothing & Self-care include clothing, hairdresser/barber and cosmetics			$	$
Health & Medical include regular dental care, orthodontics, medicine, eyeglasses or contact lenses			$	$
Children include school activities, extracurricular activities, tuition/school fees, camps, babysitting, allowances and daycare			$	$
Miscellaneous/Other include gifts & donations, alcohol, tobacco & cannabis, entertainment & recreation, cell phone, cable, subscription services, pet expenses and vacations			$	$
Premiums, Contributions and Debt Repayment include life or term insurance premiums, RRSP or other contributions, debt repayment (for expenses not itemized above)			$	$
Reserve for income tax			$	$
Other *(specify)*:			$	$
Total			$	$

Debts

A debt is an amount of money **you owe** someone that you have a duty to pay.

Identify any outstanding debts. **Do not record** the monthly payment for mortgage, car loans, credit card payments or other debts included in the expenses section above, just the total balance owing.

You may be asked to provide the court with proof of the debt.

Name of creditor *(name of bank, finance company, person, etc.)*	**Reason for borrowing** *(for example, mortgage, car loan, school)*	**Balance owing**
		$
		$
		$
		$
		$
		$
		$
		$
	Total	**$**

You don't have to show proof of your debts now, but you should be prepared.

Proof of a debt may include:

- mortgage statements
- credit card statements
- car payment or other loan statements
- student loan or line of credit
- court orders requiring you to pay

For tips and information about how to complete this section, see the guidebook.

Part 3 | Assets

Complete this part only if you are required to provide information about assets.

An asset is something of value that **you own** or that belongs to you.

See the chart in the introduction to this form to determine if this part applies to your situation.

1. List all your assets in the table below. Provide a brief description of the asset and how much the asset is currently worth (the value).

Asset	Description of asset	Current value of asset
Real estate		$
Cars/Boats/Vehicles		$
Cash assets including cash and bank accounts		$
Investments including TFSAs, RRSPs, stocks and bonds, pensions		$
Loans and credit (money owing to me)		$
Other including precious metals, art, jewellery, or other items of high value		$
	Total	**$**

Be sure to list **all** bank accounts, even if the value is small.

Disposition of assets

2. *Select the statement that is true and provide any additional information as required*

- ❑ **No**, I have **not sold or disposed** of an asset in the last two years
- ❑ **Yes**, I have **sold or disposed** of an asset in the last two years as follows:
  Please describe the asset(s) you sold or disposed of and indicate how much money you made from the sale or disposal

Part 4 | Special or extraordinary expenses

Complete this part only if you have made a claim for special or extraordinary expenses on your application or counter application about a family law matter.

Special or extraordinary expenses are costs of raising a child that go above and beyond what is covered by the guideline table amount for child support.

In a child support order, the court may, on either party's request, provide an amount to cover all or any portion of the expenses set out in s. 7 of the Child Support Guidelines (included here in this Part).

The guiding principle for s. 7 expenses is that the expense is shared in proportion to the respective incomes after deducting from the expense, the contribution, if any, from the child.

Complete the table below about your claim for **special or extraordinary expenses**.

To complete the table:

- add the name of each child you have a claim for expenses for in the top part of the table
- include the amount for each applicable expenses for each child in the table
- you may leave any field blank if it does not apply

Provide the **net** amount for each expense.

The amount for the expenses **may be estimated**.

You **may be asked to provide** the court with **proof** of an amount or a **breakdown** of how you came to the estimate.

For tips and information about how to complete this part, see the guidebook.

The following special or extraordinary expenses (net of tax credits, subsidies, deductions, and credits and contributions from the child(ren)) are included in my claim for child support:

Name of Child:				
Special and Extraordinary Expense	Annual Amount	Annual Amount	Annual Amount	Annual Amount
Childcare expenses	$	$	$	$
Portion of medical/dental premiums attributable to child	$	$	$	$
Health related expenses that exceed insurance reimbursement by at least $100	$	$	$	$
Extraordinary expenses for primary or secondary school	$	$	$	$
Post-secondary school expenses	$	$	$	$
Extraordinary extracurricular activities expenses	$	$	$	$
Total	$	$	$	$

To **calculate the net amount**, subtract from the gross amount tax credits, subsidies, deductions, and credits and contributions from the child.

Keep a record of how you calculated an amount. You may need to provide it to the court.

You may also be asked to provide proof of the amount.

Part 5 | Income of other persons in household

Complete this part only if **you or the other party** have made a claim for undue hardship.

To determine if an amount for child support other than the guideline amount should be paid, the court must look at each household's standard of living as set out in s. 10(3) of the Child Support Guidelines.

The court may require additional details about a spouse, partner or other adult person living in your household to be able to apply the comparison of household standards of living test in Schedule II of the Child Support Guidelines.

Complete all sections that apply to your circumstances. You may leave a section blank.

1. ❑ I **live alone**

2. ❑ I am **married to** or **in a relationship with** the following **person I am living with**:

Full name of person	Their annual income

3. ❑ I/we live with the following other adult(s):

Full name of person	Their annual income

4. ❑ I/we have _____ **child(ren)** who live(s) **in the home**
   Number

5. My spouse/partner or other adult(s) residing in the home contribute(s) about $ _____ per _____ towards the household expenses.
   Frequency of contribution(s)

The annual income of the other person must include all sources of income just as you have in Part 1. This includes employment, benefits, investment and business income.

Household expenses include those expenses you identified in Part 2. Indicate how much your spouse, partner or other adult in the household is contributing towards those expenses.

Part 6 | Undue hardship

Complete this part only if **you** have made a claim for undue hardship.

Sometimes the amount of child support determined under the child support guidelines, when combined with other circumstances, may create undue hardship for a person or their child.

Complete all sections that apply to your circumstances. You may leave a section blank.

> The court can make a child support order for an amount different from the standard *Guideline* amount on the grounds that the party or a child would otherwise suffer undue hardship. Undue hardship applications must be denied if the court finds that the party would have a higher household standard of living than the other party's household after paying the standard amount [s. 10 Child Support Guidelines].

1. ❑ I have an **unusual** or **excessive** amount of **debt** I incurred **to support my family** prior to separation **or to earn a living** as follows:

Name of creditor and reason for borrowing (name of bank, finance company, etc.)	**Balance owing**	**Annual debt repayment**

2. ❑ I have **unusually high expenses** to exercise **parenting time** or **contact** with the child(ren) as follows:

Please describe the expenses you have

3. ❑ I have a **legal duty to support another person**, such as a person who is ill or disabled, or a former spouse

Name of adult person you support	**Monthly amount paid for support**	**Annual amount paid for support**

4. ❑ I have a **legal duty to support a dependent child** from another relationship

Name of adult person you support	**Monthly amount paid for support**	**Annual amount paid for support**

5. ❑ I have **other undue hardship circumstances** as follows:

Guardianship Affidavit

Form 5

Provincial Court Family Rules
Rules 26, 51, 172

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

This Guardianship Affidavit provides evidence to the court respecting the best interests of the child in support of an application for guardianship of a child as required under section 51 of the Family Law Act and Rule 26.

Please read before completing the form:

- To complete this form, you must have completed the required record checks as referred to in the form. You will be required to attach the results to this affidavit.
- For guidance filling in this form, including how to complete the record checks, please read the guidebook. The guide is available from your local court registry or online at www.gov.bc.ca/court-forms.

The record checks must be dated within 60 days of the date you will file the affidavit. If you are past 60 days, you will need to request a new record check [Rule 26].

I, _____ **,** _____ of _____ ,
Full name | Occupation | Address of party, City, Province

SWEAR OR AFFIRM THAT:

I know or believe the following facts to be true. If these facts are based on information from others, I believe that information to be true.

For more information about swearing or affirming an affidavit, see the guidebook.

About the child(ren)

1. I am applying under the Family Law Act **to become a guardian of the following child(ren)**:

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**Name(s) of child's current guardian(s)**	**Name(s) of child's parent(s) who are not current guardian(s)**

For more information about who is a child's guardian, including when a parent is not a guardian, see the guidebook.

2. My date of birth is _____
(dd/mmm/yyyy)

3. The nature and length of **my relationship with the child(ren)** referred to in paragraph 1 of this affidavit is as follows:

Name of child	**Nature of relationship to child** (Specify whether parent, step-parent, grandparent, aunt, uncle, family friend, etc.)	**Length of relationship**

You may provide only the first name of the child for the rest of the questions that ask for the name of a child referred to in paragraph 1.

You may state "since birth" in the last column instead of putting the specific length, if applicable.

4. The current living arrangements of the child(ren) referred to in paragraph 1 of this affidavit are as follows:

Name of child	Current living arrangements

Briefly explain where and with whom the child is living right now.

5. I plan to care for the child(ren) referred to in paragraph 1 of this affidavit as follows:
Set out detailed plans for how the child(ren) is/are to be cared for

A guardian must exercise parental responsibilities in the best interests of the child [s. 43 Family Law Act]. S. 41 of the Family Law Act lists the parental responsibilities with respect to a child which a guardian may exercise in their care for the child.

Incidents of family violence

6. *Select whichever option is correct*

- ❑ **I am not aware** of any **incidents of family violence**, as that term is defined in section 1 of the Family Law Act, that affect the child(ren) referred to in paragraph 1 of this affidavit
- ❑ **I am aware** of the **following incidents of family violence**, as that term is defined in section 1 of the Family Law Act, that affect the child(ren) referred to in paragraph 1 of this affidavit:

  Describe the incidents of family violence of which you are aware

Family violence is defined in s. 1 of the Family Law Act. In the case of a child, family violence includes, with or without an intent to harm a family member, direct or indirect exposure to family violence.

To determine what is in the best interests of a child, s. 37 (2) (g) requires you to consider the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member.

Other children

7. *Select whichever option is correct*

- ❑ I am **not a parent, step-parent or guardian of any children except** that child/those children referred to in paragraph 1 of this affidavit
- ❑ I am **the parent, step-parent or guardian of the following child(ren)** who is/are not referred to in paragraph 1 of this affidavit

Child's full name	Child's date of birth (dd/mmm/yyyy)	Nature of relationship to child (Specify whether parent, step-parent, grandparent, aunt, uncle, family friend, etc.)

Involvement in court proceedings

8. *Select whichever option is correct*

❑ I have **not been involved in court proceedings** in British Columbia under the Child, Family and Community Service Act, the Family Relations Act, the Family Law Act, or the Divorce Act (Canada), or in any court proceedings under comparable legislation in any other jurisdiction, concerning children under my care

❑ I have **been involved in the following court proceedings** in British Columbia under the Child, Family and Community Service Act, the Family Relations Act, the Family Law Act, or the Divorce Act (Canada), and/or in the following court proceedings under comparable legislation in any other jurisdiction, concerning children under my care:

Item	Names of the parties to the proceeding	Name and location of court in which the proceeding was conducted	Date of any orders concerning children under my care made in the proceeding
1			
2			
3			

The orders referred to in the table above are attached as Exhibits to this affidavit as follows:

(a) The order dated _____ (dd/mmm/yyyy) referred to in Item _____ (1, 2, etc.) above is attached as Exhibit _____ (A, B, etc.) to this affidavit

(b) The order dated _____ (dd/mmm/yyyy) referred to in Item _____ (1, 2, etc.) above is attached as Exhibit _____ (A, B, etc.) to this affidavit

(c) The order dated _____ (dd/mmm/yyyy) referred to in Item _____ (1, 2, etc.) above is attached as Exhibit _____ (A, B, etc.) to this affidavit

Court proceedings may be in Provincial Court or Supreme Court, including divorce or family law proceedings, or child protection.

Include any family proceeding (including divorce) where there were children of the marriage even if the children weren't the subject of any contested proceeding.

You must attach a copy of each order as an exhibit to this affidavit for filing.

For more information about how to reference and attach exhibits, see the guidebook.

Record checks

9. Attached to this affidavit and marked as Exhibit _____ is a copy of a **British Columbia Ministry of Children and Family Development records check** dated _____ (dd/mmm/yyyy)

10. Attached to this affidavit and marked as Exhibit _____ is a copy of a **Protection Order Registry protection order records check** dated _____ (dd/mmm/yyyy)

11. Attached to this affidavit and marked as Exhibit _____ is a copy of a **criminal records check** dated _____ (dd/mmm/yyyy) obtained from the _____ Name and location of police force or department from which the criminal records check was obtained

You must attach a copy of each record check as an exhibit to this affidavit for filing.

For more information about getting your record checks, see the guidebook.

Criminal offences

12. *Select whichever option is correct*

- ❑ There are **no criminal offences, other than those, if any, specified in the criminal records check** referred to in paragraph 11 of this affidavit, of which I have been convicted and not pardoned
- ❑ **In addition to the convictions**, if any, specified in the criminal records check referred to in paragraph 11 of this affidavit, **I have been convicted of**, and not pardoned for, **the following criminal offences**:
  Provide details of any criminal convictions, not referred to in the criminal records check, for which you have not received a pardon

13. *Select whichever option is correct*

- ❑ I am **not currently charged with any criminal offences**
- ❑ I am **currently charged with criminal offences**. The particulars of each charge are set out below:

Nature of alleged offence	**Date of alleged offence** (dd/mmm/yyyy)	**Name and location of court in which proceedings are outstanding**

Sworn or affirmed before me
at _____, British Columbia
City
on _____
Date

A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

Signature

This document must be signed only with a commissioner for taking affidavits. **Do not sign** the document until they tell you to. You will sign it with them.

Once the affidavit is signed with a commissioner, it must be filed within 7 days [Rule 26].

Reply to an Application About a Family Law Matter

❑ with counter application

Form 6

Provincial Court Family Rules
Rule 28

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Reply to an Application About a Family Law Matter provides notice to each party, and the court, of a party's reply to an application about a family law matter and a counter application, if applicable.

Please read before completing the form:

- You must complete the main reply portion of the form and any applicable schedule(s) for the family law matter(s) identified in Part 3 of the main reply.
- If the other party's application is about child support or spousal support, you must also file a Financial Statement in Form 4.
- You will need to reference the application about a family law matter that you received.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

IMPORTANT NOTE TO THE OTHER PARTY:

If the reply includes a counter application, you may reply to the counter application by filing a Reply to a Counter Application in Form 8, and any additional documents that may be required to be filed, **within 30 days** after the date you receive the reply with counter application.

Part 1 | About the parties

1. The Application About a Family Law Matter was filed by _____ (Full name of other party). They are the other party in this case.
2. My **full name** is: _____ (Full name of party)

   My **date of birth** is (dd/mmm/yyyy): _____

Copy the other party's name from their application.

Part 2 | Relationship between the parties

3. *Select only one of the options below*
   - ❑ The **information** set out in Part 4 of the Application About a Family Law Matter **about the relationship between the parties is correct**.
   - ❑ The **information** set out in Part 4 of the Application About a Family Law Matter **about the relationship between the parties is not correct** as follows:
     Identify the information you say is not correct and set out the correct information

Part 3 | Identification of children – You do not need to complete this part if the application or counter application, if applicable, does not ask for any order(s) about a child or children

4. *Select only one of the options below*
   - ❑ The **other party correctly provided** the name and date of birth of each child involved in the application, and counter application, if applicable.
   - ❑ The **correct information about each child** who is the subject of the application and/or counter application is as follows:

Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**My relationship to the child**	**Other party's relationship to the child**	**Child currently living with** (name of person)

A child's residence is usually where they live at least 40% of the time. If a child currently splits their time between two residences, include both.

5. ❑ I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [Family Law Act s. 37].

For more information about best interests of the child, see the guidebook.

Part 4 | About us

6. I would like to share the following information with the court about the **cultural, linguistic, religious and spiritual upbringing and heritage of my family**, including, if the child is an Indigenous child, the child's Indigenous identity:
You may choose to leave this question blank

Part 5 | Existing orders and agreements

7. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal that was **not provided by the other party** with their application.
❑ **Yes** **(see attached copy)** ❑ **No**

Include any order (interim or final), agreement or plan from any level of court and any location.

8. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, that was **not provided by the other party with their application**, including:
- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes** **(see attached copy)** ❑ **No**

If yes, you must attach a copy of any order, agreement or plan to this application for filing.

Part 6 | Replying to the other party

In your reply, you may:
- agree with one or more of the orders about a family law matter applied for in the Application About a Family Law Matter;
- disagree with one or more of the orders about a family law matter applied for in the Application About a Family Law Matter, and ask that a different order be made; or
- apply for an order about a family law matter that was not included in the Application About a Family Law Matter.

This part will help you identify which family law matter you and the other party may agree or disagree about, and if there is another family law matter you want to add an application for an order about.

Based on how you reply, it will help identify the additional schedule(s) you must complete to provide more information to the court and the other party.

9. **In reply to the other party's application** about a family law matter:
Select only one option for each family law matter and complete the required schedule(s), as applicable. If you are making a counter application, select the appropriate answer to the question below to identify which schedule you must complete.

Parenting arrangements, including parental responsibilities and parenting time
- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order about parenting arrangements should be made. → *Complete* ***Schedule 1***
- ❑ I am making a counter application for an order. No application about this family law matter was made by the other party.
  Do you have a final order or written agreement about parenting arrangements, including parental responsibilities and parenting time?
  - ❑ No → *Complete* ***Schedule 7***
  - ❑ Yes → *Complete* ***Schedule 8***

Child Support

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order about child support should be made. ➜ *Complete* ***Schedule 2***
- ❑ I am making a counter application for an order about child support. No application about this family law matter was made by the other party.
  Do you have a final order or written agreement about child support?
  - ❑ No ➜ *Complete* ***Schedule 9***
  - ❑ Yes ➜ *Complete* ***Schedule 10***

If this family law case includes an application about child support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Contact with a child

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order about contact with a child should be made. ➜ *Complete* ***Schedule 3***
- ❑ I am making a counter application for an order about contact with a child. No application about this family law matter was made by the other party.
  Do you have a final order or written agreement about contact with a child?
  - ❑ No ➜ *Complete* ***Schedule 11***
  - ❑ Yes ➜ *Complete* ***Schedule 12***

Guardianship of a child – appointing a new guardian or cancelling guardianship

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. ➜ *Complete* ***Schedule 4***
- ❑ I am making a counter application for an order to appoint a new guardian or to cancel the guardianship of a child. ➜ *Complete* ***Schedule 13***

Spousal support

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order about spousal support should be made. ➜ *Complete* ***Schedule 5***
- ❑ I am making a counter application for an order about spousal support. No application about this family law matter was made by the other party.
  Do you have a final order or written agreement about spousal support?
  - ❑ No ➜ *Complete* ***Schedule 14***
  - ❑ Yes ➜ *Complete* ***Schedule 15***

If this family law case includes an application about spousal support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Property division in respect of a companion animal

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order about a companion animal should be made. ➜ *Complete* ***Schedule 6***
- ❑ I am making a counter application for an order about property division in respect of a companion animal. No application about this family law matter was made by the other party.
  Do you have a written agreement about property division in respect of a companion animal?
  - ❑ No ➜ *Complete* ***Schedule 16***
  - ❑ Yes ➜ *Complete* ***Schedule 17***

Part 7 | Initial requirements

10. ❑ I understand that I may be required to **complete additional requirements** before filing my application or scheduling a family management conference depending on the court registry where my case is filed, including one or more of the following:

- an online **parenting education program** (Parenting After Separation)
- an individual **needs assessment** with a family justice counsellor
- at least one **consensual dispute resolution session**, if applicable

If the application is in an early resolution registry, you must have already met the early resolution requirements to file your reply [Rule 28].

For more information about the different registry types and how to meet the requirements, see the guidebook.

Part 8 | Lawyer's statement – Complete this part only if you are a lawyer for the party.

11. *If you are not a lawyer, you may leave this question blank*

❑ I, _____ (Full name of lawyer), the lawyer for _____ (Full name of party), acknowledge that I have complied with the requirements of section 8 of the Family Law Act.

Part 9 | Address for service

12. My **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1 | Parenting Arrangements | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about parenting arrangements, including parental responsibilities and parenting time, applied for by the other party on Schedule 1 or Schedule 2 of their Application About a Family Law Matter.

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Part 1 | Reason you disagree

1. I **do not agree with the order requested** by the other party about parenting arrangements, including parental responsibilities and parenting time, because:

Part 2 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about parenting arrangements, including parental responsibilities and parenting time.

2. *Select only one of the options below*
   - ❑ I would like the final order or agreement to **continue to be in place** ➜ *If you selected this option, no further information is required on this schedule*
   - ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about parenting arrangements, including parental responsibilities and parenting time - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]

3. I am applying for an **order about parenting arrangements, including parental responsibilities or parenting time**, as follows:
   List the details of the order you are asking for

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

4. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2 | Child Support

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about child support applied for by the other party on Schedule 3 or Schedule 4 of their Application About a Family Law Matter.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for a child.

Part 1 | About you

1. I am:

Select the option below that best describes your relationship to the child

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ not a parent or guardian of the child(ren)
  - *Select only if applicable* ❑ **I request a parentage test**
- ❑ not a person standing in the place of a parent to the child(ren) (for example, a step-parent)

If there is more than one child the application is about, and your relationship is different, you may select more than one option and list the name(s) of the child at the end of the statement to which it applies.

Part 2 | Reason you disagree

2. I **do not agree** with the order requested by the other party about child support because:

Select each option that applies and complete the required information, as applicable

- ❑ **My income** is not what the other party claims it is
- ❑ The **other party's income** is not what they claim it is *(please explain)*:
- ❑ I believe the **special or extraordinary expenses** are not what the other party claims they are *(please explain)*:
- ❑ The **living arrangements** for the child(ren) are not as described
  Please describe the child(ren)'s living arrangements:
- ❑ The amount would cause me **undue hardship** because:
  - ❑ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ I have unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ I have a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ I have a legal duty to support a dependent child from another relationship
  - ❑ Other undue hardship circumstances *(specify)*:
- ❑ **Other** reason *(specify)*:

The amount of child support is usually based on the Federal Child Support Guidelines using each party's income and the living arrangements for a child. It is meant to cover regular expenses like clothes, food and housing.

For more information about how the amount payable for child support is calculated, see the guidebook.

If you disagree with details of the order such as when payments should start, you can include that under other reasons and give suggested options.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about child support

3. *Select only one of the options below*

- ❑ I would like the final order or agreement to **continue to be in place**
- ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ❑ I agree that the **amount of unpaid child support** (arrears) in the application **is correct**
- ❑ The amount of unpaid child support (arrears) in the application is **not correct**. As of *(date)* _____ , the amount of unpaid child support (arrears) was $ _____ .

Part 4 | Order about child support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of children under 19 years of age and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

5. *Select each applicable option and complete the requested information. If you are only disagreeing with when support payments start, you may leave this question blank.*

- ❑ I am applying for an order for ongoing support to be paid by *(name of paying party)* _____ in the monthly amount set out in the child support guidelines for *(number)* ____ child(ren).
  - ❑ Based on the information I know about the other party's income and my application for child support I expect the amount payable for monthly child support to be approximately $ _____ .
  - ❑ I am not able to estimate the amount payable for monthly child support at this time.

> For more information about how to calculate the amount payable for child support, see the guidebook.

- ❑ I am applying for an order for **special or extraordinary expenses** under section 7 of the child support guidelines as follows:
  List the expenses you are claiming for each child.
  You must file a Financial Statement Form 4 to itemize the specific amounts.

> For more information about what can be included as special or extraordinary expenses, see the guidebook.

- ❑ I am applying for an order to **change the guideline amount payable** because the guideline amount would cause me **undue hardship** because I have:
  - ❑ an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ a legal duty to support a dependent child from another relationship
  - ❑ other undue hardship circumstances *(specify)*:

> The court may order child support in an amount different from the guidelines if appropriate [s. 10 Child Support Guidelines].

6. Child support payments should **start on** _____ because:
Date (dd/mmm/yyyy) or event

> In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 5 | Income information

7. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

   Select only one of the options below

   ❑ I **am filing** a Financial Statement in Form 4 with this application.

   ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

IMPORTANT NOTE:

This family law case includes an application about child support. You must provide your financial information with your reply by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 21 to 25 Child Support Guidelines].

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 3 | Contact with a child

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about contact with a child applied for by the other party on Schedule 5 or Schedule 6 of their Application About a Family Law Matter.

Part 1 | Reason you disagree

1. I **do not agree with the order requested** by the other party about contact with a child, because:

Part 2 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about contact with a child

2. *Select only one of the options below*

- ❑ I would like the final order or agreement to **continue to be in place** ➜ *If you selected this option, no further information is required on this schedule*
- ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about contact with a child – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

3. I am applying for an order for the child(ren) to have **contact with a person <u>who is not their guardian</u>** as follows:

Select all options that apply and complete the required information

- ❑ In person *(specify)*:
  Provide details including specific dates or events requested, or dates and times that would be most suitable
- ❑ Telephone communication
- ❑ Video communication
- ❑ Written communication
- ❑ Other method of communication *(specify)*:

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

4. *Complete if applicable. You may leave this question blank.*

I am applying for **additional terms about contact** with a child as follows:

List the details of the terms you are asking for

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

5. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 4 | Guardianship of a child | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about guardianship of a child applied for by the other party on Schedule 7 of their Application About a Family Law Matter.

Part 1 | Reason you disagree – Best interests of the child

1. I **do not agree with the order requested** by the other party about guardianship of a child. I believe the order they have requested is **not in the best interests of the child(ren)** because:
   List your reasons

A guardian is responsible for a child.

Only guardians have parental responsibilities and parenting time with a child [s. 40 Family Law Act].

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

Schedule 5 | Spousal Support

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about spousal support applied for by the other party on Schedule 8 or Schedule 9 of their Application About a Family Law Matter.

Part 1 | Relationship between the parties

1. *Select only one of the options below*

- ❑ **I am** (or was) the other party's spouse
- ❑ I **have never been** the other party's spouse
  Please describe your relationship to the other party:

A spouse has a duty to provide support, if after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support [s. 160 Family Law Act].

Part 2 | Reason you disagree

2. I **do not agree** with the order requested by the other party about spousal support because:
Select each option that applies and complete the required information, as applicable

- ❑ I do not believe the other party is **entitled** to spousal support *(please explain)*:
- ❑ **My income** is not what the other party claims it is
- ❑ **My employment**, training, health and ability to work is not what the other party claims it is *(please explain)*:
- ❑ The **other party's financial situation** is not what they claim it is *(please explain)*:
- ❑ The **other party's employment**, training, health and ability to work is not what the other party claims it is *(please explain)*:
- ❑ The **other party's expenses** are not what they claim them to be *(please explain)*:
- ❑ **Other** reason *(specify)*:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].
See the other party's financial statement for their financial information.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about spousal support.

3. *Select only one of the options below*

- ❑ I would like the final order or agreement to **continue to be in place**
- ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ❑ I agree that the **amount of unpaid spousal support** (arrears) in the application **is correct**
- ❑ The amount of unpaid spousal support (arrears) in the application is **not correct**. As of *(date)* , the amount of unpaid spousal support (arrears)was $.

Part 4 | Order about spousal support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

5. I am applying for an **order for spousal support** to be paid by *(name of paying party)* _____ as follows:

- ❑ **Monthly payments** to commence on *(date)* _____ *(number)* _____ ❑ **month(s)** ❑ **year(s)**
- ❑ **Lump sum** payment
- ❑ **Other** *(specify)*:

6. Based on the information I know about each party's means, needs, and other circumstances:

Select only one of the options below

- ❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ _____ to $ _____
- ❑ I expect a **lump sum amount payable** for spousal support to be approximately $ _____
- ❑ I am **not able to estimate** the amount payable for spousal support at this time

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 5 | Income information

7. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ❑ I **am filing** a Financial Statement in Form 4 with this application.
- ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

IMPORTANT NOTE:

This family law case includes an application about spousal support. You must provide your financial information with your reply by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 6 | Property division in respect of a companion animal | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about property division in respect of the companion animal applied for by the other party on Schedule 10 or Schedule 11 of their Application About a Family Law Matter.

Part 1 | Relationship between the parties

1. *Select only one of the options below*

- ❑ **I am** (or was) the other party's spouse
- ❑ I **have never been** the other party's spouse

Please describe your relationship to the other party:

Part 2 | Reason you disagree

2. I **do not agree with the order requested** by the other party about property division in respect of a companion animal because:

Part 3 | Existing agreement – Complete this part only if there is an existing agreement about property division in respect of the companion animal.

3. *Select only one of the options below*

- ❑ I would like the agreement to **continue to be in place** ➔ *If you selected this option, no further information is required on this schedule*
- ❑ I am applying for the agreement to be **replaced** as set out in Part 4

Part 4 | Order about property division in respect of a companion animal – You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

4. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal	
		❑ Me	❑ Other party
		❑ Me	❑ Other party
		❑ Me	❑ Other party
		❑ Me	❑ Other party

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal by one spouse.

Part 5 | The facts - You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

5. The **facts** on which this application is based are as follows:

Provide the facts you want the court to consider and why the court should make the order you are applying for

Schedule 7 | Parenting Arrangements | No existing final order or written agreement

Complete this schedule only if you need a court order about parenting arrangements, including parental responsibilities and parenting time, and you do not have an existing final court order or written agreement about parenting arrangements.

Part 1 | Guardian of the child

1. *Select the option that applies to your situation*

- ❑ I am the **child's guardian**
- ❑ I am **applying to be appointed** as the child's guardian *(I am also completing **Schedule 7**)*

Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 39 Family Law Act].

For information about who is a guardian of a child, see the guidebook.

Part 2 | Order about parenting arrangements

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

2. I am applying for an **order about parental responsibilities** as follows:
List the details of the order you are asking for. You may leave this question blank.

Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]

3. I am applying for an **order about parenting time** as follows:
List the details of the order you are asking for. You may leave this question blank.

4. I am applying for an order about

- the **implementation of an order** about parenting arrangements made under the Family Law Act, or
- the **means for resolving disputes** about an order about parenting arrangements made under the Family Law Act,

as follows:
List the details of the order you are asking for. You may leave this question blank.

5. I am applying for **directions** from the court under s. 49 of the Family Law Act respecting the following **issue affecting a child**:

S. 49 of the Family Law Act allows a child's guardian to apply to court for directions respecting an issue affecting the child, and the court may make an order giving the directions it considers appropriate.

Part 3 | Best interests of the child

6. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 8 | Parenting Arrangements | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about parenting arrangements, including parental responsibilities and parenting time, and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1 | Final order or written agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about parenting arrangements, including parental responsibilities or parenting time, **made on** *(date)* _____ that I want to change or cancel **(see attached copy of order)**. ➜ *Complete **Part 2***
- ❑ I have **a written agreement** about parenting arrangements, including parental responsibilities or parenting time, **made on** *(date)* _____ that I want to repeal or replace **(see attached copy of order)**. ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2 | Final order – Complete this part only if you have a final order

2. Since the final order was made, **needs or circumstances have changed** as follows:

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** ➜ *Complete **Part 4** and **5***
- ❑ **suspended** ➜ *Complete **Part 5***
- ❑ **cancelled** ➜ *Complete **Part 5***

The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 47 Family Law Act].

Part 3 | Agreement – Complete this part only if you have a written agreement

4. I believe the written agreement is **not in the best interests** of the child(ren) because:

5. I am applying for the written agreement to be:
Select only one option

- ❑ **set aside** ➜ *Complete **Part 5***
- ❑ **replaced with an order** ➜ *Complete **Part 4** and **5***

The court must set aside or replace with an order, all or part of an agreement about parenting arrangements, if the court is satisfied that the agreement is not in the best interests of the child [s. 44 Family Law Act].

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for an order for the parenting arrangements, including parental responsibilities and parenting time, to be **changed or replaced as follows**:
List the details of the order you are asking for

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

Part 5 | Best interests of the child

7. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

For more information, see the guidebook.

Schedule 9 | Child Support

No existing final order or written agreement

Complete this schedule only if you need a court order about child support and you do not have an existing final court order or written agreement about child support.

Part 1 | About the payor

1. The **payor** is:

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ other *(specify)*:

A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child. Other guardians and stepparents may also be responsible for paying child support [s. 147 Family Law Act].

Part 2 | Current circumstances

2. The **current support arrangements** are as follows:

3. The child or children **currently spend time** with each party as follows:

In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

4. *Select only one of the options below*

- ❑ Each child I am applying for an order for child support for is **under 19 years** of age
- ❑ The following child(ren) is/are **19 years of age or older** and need(s) child support because of illness, disability, or because they are a full-time student:

Full name of child	Reason for child support Select the applicable option		
	❑ illness	❑ disability	❑ student
	❑ illness	❑ disability	❑ student

A child, for the purposes of child support, includes a person who is over 19 years of age, and is unable because of illness, disability or another reason to obtain the necessities of life or withdraw from the charge of their parents [s. 146 Family Law Act].

Part 3 | Order about child support

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of eligible children and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

5. *Select each applicable option and complete the requested information*

- ❑ I am applying for an order for ongoing support to be paid by *(name of paying party)* in the monthly amount set out in the child support guidelines for *(number)* child(ren).
  - ❑ Based on the information I know about the other party's income and my application for child support I expect the amount payable for monthly child support to be approximately $.
  - ❑ I am not able to estimate the amount payable for monthly child support at this time.
- ❑ I am applying for an order for **special or extraordinary expenses** under section 7 of the child support guidelines as follows:
  List the expenses you are claiming for each child.
  You must file a Financial Statement Form 4 to itemize the specific amounts.

For more information about how to calculate the amount payable for child support, see the guidebook.

For more information about what can be included as special or extraordinary expenses, see the guidebook.

- ❑ I am applying for an order to **change the guideline amount payable** because the guideline amount would cause me **undue hardship** because I have:
  - ❑ an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ a legal duty to support a dependent child from another relationship
  - ❑ other undue hardship circumstances *(specify)*:

The court may order child support in an amount different from the guidelines if appropriate [s. 10 Child Support Guidelines].

6. Child support payments should **start on** _____ because:
Date (dd/mmm/yyyy) or event

Part 4 | Income information

7. One or more of the following **applies to my application** for child support:
- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than $150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

❑ **Yes** → *You **are required** to file a Financial Statement Form 4. Complete **Question 8**.*

❑ **No** → *You **are not required** to file a Financial Statement Form 4 at this time. Skip to **Question 9**.*

IMPORTANT NOTE:
You may also provide this financial information before receiving the other party's reply to avoid delay, if you believe that the income of the other party is over $150,000 per year or that they will claim undue hardship, special or extraordinary expenses, or child support from you.

8. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.
Select only one of the options below
- ❑ I **am filing** a Financial Statement in Form 4 with this application.
- ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

9. *Select only one of the options below and provide the requested information*

- ❑ I believe the **payor's annual income** is $ _____ because:

- ❑ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 10 | Child Support | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about child support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about child support made on *(date)* _____ that I want to change or cancel **(see attached copy of order)**.→ *Complete **Part 2***
- ❑ I have **a written agreement** about child support made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**. → *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. Since the final order was made, the following circumstances occurred:
Select all options that apply and complete the required information

- ❑ My financial situation has changed
- ❑ I believe the other party's financial situation has changed
- ❑ The special or extraordinary expenses for the child(ren) have changed as follows:
- ❑ The child(ren)'s living arrangements have changed as follows:
- ❑ Information has become available that was not available when the order was made *(specify)*:
- ❑ Other changes or circumstances *(specify)*:

The court can only change, suspend or cancel a final order if certain circumstances exist [s. 152 Family Law Act and s. 14 Child Support Guidelines].

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** → *Complete **Part 4***
- ❑ **suspended** → *Skip ahead to **Part 5***
- ❑ **cancelled** → *Skip ahead to **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about child support **should be set aside or replaced** because:

The court must set aside or replace with an order, all or part of an agreement about child support if the court would make a different order on consideration of the matters set out in s. 150 [determining child support] [s. 148 Family Law Act].

5. I am applying for the existing agreement to be:
Select only one option

❑ **set aside** ➜ *Skip ahead to* ***Part 5***
❑ **replaced with an order** ➜ *Complete* ***Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for the final order or agreement about child support, including section 7 special or extraordinary expenses, to be **changed or replaced as follows**:
List the details of the order you are asking for

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table.

7. *Select only one of the options below*

❑ Based on the information I know about the other party's income and my application for child support I expect **the amount payable** for monthly child support to be approximately $.

❑ I am **not able to estimate the amount payable** for monthly child support at this time.

For more information about how to calculate the amount payable for child support, see the guidebook.

8. Child support payments should **start on** because:
Date (dd/mmm/yyyy) or event

In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 5 | Unpaid child support

9. As of , the amount of **unpaid child support** (arrears) was $
Date (dd/mmm/yyyy)

10. *Complete only if there is unpaid child support. You may leave this question blank.*
Select only one of the options below.

❑ I am **not applying to reduce** the amount of unpaid child support (arrears)
❑ I am **applying to reduce** the amount of unpaid child support (arrears) to $ because:

On application, a court may reduce or cancel unpaid child support that is owing (arrears) under an agreement or order about support if satisfied that it would be grossly unfair not to reduce or cancel the arrears [s. 174 Family Law Act].

11. *Complete only if there is unpaid child support. You may leave this question blank.*
I am applying for an order that the remaining **unpaid child support (arrears) be paid** as follows:
Select all options that apply and complete the required information.

❑ At a rate of $ per month
❑ In a lump sum
❑ Other *(specify)*:

The court may order that support be paid in different ways [s. 170 Family Law Act].

Part 6 | Income information

12. One or more of the following **applies to my application** for child support:

- I am the payor
- there is split or shared parenting time for one or more of the children
- there is child 19 years or older for whom support is being applied for
- a party has been acting as a parent to a child of the other party
- the payor earns more than $150,000 per year
- there is an application for section 7 special or extraordinary expenses
- I am claiming undue hardship

❑ **Yes** → *You **are required** to file a Financial Statement Form 4. Complete **Question 8**.*

❑ **No** → *You **are not required** to file a Financial Statement Form 4 at this time. Skip to **Question 9**.*

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

13. I am required to file a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

❑ I **am filing** a Financial Statement in Form 4 with this application.

❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE OTHER PARTY:

This family law case includes an application about child support. You must provide your financial information with your reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 11 | Contact with a child | No existing final order or written agreement

Complete this schedule only if you need a court order about contact with a child and you do not have an existing final court order or written agreement about contact with a child.

Part 1 | Relationship to the child

Children often have important relationships with people other than their parents/guardians. These include grandparents, elders, relatives, and others close to the child. Usually, these relationships are supported by the parents or guardians.

If an agreement is not possible, the person who believes they should have contact with the child can apply for a court order.

> The court may grant contact to a person who is not a guardian, including to a parent or grandparent [s. 59 Family Law Act].
>
> The person seeking contact with a child must make their own application.

1. *Please confirm the following statement if true*

- ❑ I am **not a guardian** of the child(ren)

2. The **last contact** with the child(ren) was on or around _____
Date (dd/mmm/yyyy)

> Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 2 | Order about contact with a child

3. I am applying for an order for the child(ren) to have **contact with a person <u>who is not their guardian</u>** as follows:
Select all options that apply and complete the required information

- ❑ In person *(specify)*:
  Provide details including specific dates or events requested, or dates and times that would be most suitable
- ❑ Telephone communication
- ❑ Video communication
- ❑ Written communication
- ❑ Other method of communication *(specify)*:

> The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

4. *Complete if applicable. You may leave this question blank.*
I am applying for **additional terms about contact** with a child as follows:
List the details of the terms you are asking for

> The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 3 | Best interests of the child

5. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 12 | Contact with a child | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about contact with a child and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about contact with a child made on *(date)* _____ that I want to change or cancel **(see attached copy of order).**➜ *Complete **Part 2***
- ❑ I have **a written agreement** about contact with a child made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement).** ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. Since the final order was made, the needs or circumstances have changed as follows:

The court can only change, suspend or cancel a final order if there has been a change in the needs or circumstances of the child since the original order was made, including a change in the circumstances of another person such as a parent [s. 60 Family Law Act].

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** ➜ *Complete **Part 4***
- ❑ **suspended** ➜ *Skip ahead to **Part 5***
- ❑ **cancelled** ➜ *Skip ahead to **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about contact with a child is **not in the best interests of the child(ren)** because:

The court must set aside or replace with an order, all or part of an agreement about contact with a child if the court is satisfied that the agreement is not in the best interests of the child [s. 58 Family Law Act].

5. *Select only one option*
I am applying for the existing agreement to be:

- ❑ **set aside** ➜ *Skip ahead to **Part 5***
- ❑ **replaced with an order** ➜ *Complete **Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying to change or replace the existing final order or agreement about contact with a child as follows:

Select all options that apply and complete the required information

- ❑ In person *(specify)*:
  Provide details including specific dates or events requested, or dates and times that would be most suitable
- ❑ Telephone communication
- ❑ Video communication
- ❑ Written communication
- ❑ Other method of communication *(specify)*:

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

7. *Complete if applicable. You may leave this question blank.*

I am applying for **additional terms about contact** with a child as follows:

List the details of the terms you are asking for

The court may make an order to require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 5 | Best interests of the child

8. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 13 | Guardianship of a child | Appointing a guardian or terminating guardianship

Complete this schedule only if you need a court order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

Please read before completing this schedule:

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

The Family Law Act provides that while a child's parents are living together and after the child's parents separate, each parent will continue to be the child's guardian and will have parental responsibilities with respect to the child [ss. 39 and 40]. This does not mean that parents must have equal responsibility for a child.

An agreement or order about parenting arrangements can give parental responsibilities to one or more guardians only, each guardian acting separately, or all guardians acting together [s.40]. You can use Schedule 1 or Schedule 2 to apply for an order about parenting arrangements.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. An agreement or order can provide that a parent is not the child's guardian [s.39].

Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 1 | Order about guardianship

1. *Select each option that applies*

- ❑ I am applying to be **appointed as a guardian** of the child(ren)
- ❑ I am applying for the following person(s) to **no longer be the guardian** of the child(ren):
  Complete the information requested below. Specify the child only if the information does not apply to each child this application is about.

Full name of guardian:	**They have been a guardian of the child(ren) since:**	**Name of child(ren)** You may leave blank

The court may appoint a person as a child's guardian or terminate a person's guardianship of a child [s. 51 Family Law Act].

You may state "since birth" in the middle column instead of putting the specific date, if applicable [s. 51 Family Law Act].

Part 2 | Best interests of the child

2. I believe the order about guardianship of a child that I am applying for is in the **best interests of the child(ren)** because:
List your reasons

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

Part 3 | Indigenous ancestry of child(ren)

3. Is the child or children **Indigenous**?

- ❑ **Yes** → *go to **next question***
- ❑ **No** → *Skip ahead to **Part 4***
- ❑ **Unknown** → *Skip ahead to **Part 4***

4. *Complete this question only if a child is Indigenous.*
If not, you may leave this question blank.
Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ❑ First Nation
- ❑ Nisga'a
- ❑ Treaty First Nation, including:
  - Tsawwassen First Nation
  - Maa-nulth First Nations:
    - Huu-ay-aht First Nations
    - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
    - Toquaht Nation
    - Uchucklesaht Tribe
    - Yuułuʔiłʔatḥ Government
  - Tla'amin Nation
- ❑ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ❑ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.

For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 4 | Guardianship affidavit and supporting documents - Complete this part only if you are applying to be appointed as a guardian

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26].

5. ❑ I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.

6. ❑ I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.

7. *Select only one of the options below*

- ❑ I am **filing the following required documents** along with this application:
  - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
  - a request, in the form provided by the registry, to search the protection order registry
- ❑ I am **not able to file the required documents** with this application.
  I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.

To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.

For more information about how to complete a record check, including where to find the forms, see the guidebook.

You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 14 | Spousal Support

No existing final order or written agreement

Complete this schedule only if you need a court order about spousal support and you do not have an existing final court order or written agreement about spousal support.

Part 1 | Entitlement to spousal support

1. I believe that I am, or the other party is, **entitled to spousal support** for the following reason(s):
Select all options that apply

- ❑ To recognize **economic advantages or disadvantages** to the spouses arising from the relationship or breakdown of the relationship
- ❑ To share the **financial consequences** arising from caring for the children during the relationship, beyond the duty to provide support for the child
- ❑ To **relieve economic hardship** of the spouses arising from the breakdown of the relationship
- ❑ To help each spouse **become financially independent** within a reasonable period

If after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support, the other spouse has a duty to provide support [s. 160 Family Law Act].

Part 2 | Current support

2. The **current support** arrangements are as follows:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].

Part 3 | Order about spousal support

3. I am applying for an **order for spousal support** to be paid by *(name of paying party)* as follows:

- ❑ **Monthly payments** to commence on *(date)* *(number)* ❑ **month(s)** ❑ **year(s)**
- ❑ **Lump sum** payment
- ❑ **Other** *(specify)*:

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

4. Based on the information I know about each party's means, needs, and other circumstances:
Select only one of the options below

- ❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ to $
- ❑ I expect a **lump sum amount payable** for spousal support to be approximately $
- ❑ I am **not able to estimate** the amount payable for spousal support at this time

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 4 | Income and earning potential information

5. My current employment situation, training, health and ability to work are as follows:

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

6. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

❑ I **am filing** a Financial Statement in Form 4 with this application.

❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

7. *Select only one of the options below and provide the requested information*

❑ I believe the **payor's annual income** is $ _____ because:

❑ I **do not know the income** of the payor. I can provide the following facts about the payor's employment (past or present), training, health and ability to work:

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 15 | Spousal Support | Existing final order or written agreement

Complete this schedule only if you have an existing final order or written agreement about spousal support and you need a new court order made to change, suspend or cancel the final order, or to set aside or replace the written agreement.

Part 1| Final order or agreement

1. *Select only one of the options below and complete the requested information*

- ❑ I have **a final court order** about spousal support made on *(date)* _____ that I want to change or cancel **(see attached copy of order)**.➜ *Complete **Part 2***
- ❑ I have **a written agreement** about spousal support made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**. ➜ *Complete **Part 3***

You must attach a copy of the order or agreement to this application for filing.

Part 2| Final order – Complete this part only if you have a final order

2. **Since the final order** was made, the following circumstances occurred:

- ❑ My financial situation has changed
- ❑ I believe the other party's financial situation has changed
- ❑ My employment, training, health and/or ability to work has changed as follows:
- ❑ My household expenses have changed as follows:
- ❑ Information has become available that was not available when the order was made *(specify)*:
- ❑ Other changes or circumstances *(specify)*:

The court can only change, suspend or cancel a final order if certain circumstances exist [s. 167 Family Law Act].

3. I am applying for the final order to be:
Select only one option

- ❑ **changed** ➜ *Complete **Part 4** and **5***
- ❑ **suspended** ➜ *Complete **Part 5***
- ❑ **cancelled** ➜ *Complete **Part 5***

Part 3 | Agreement – Complete this part only if you have an existing agreement

4. I believe the agreement about spousal support **should be set aside or replaced** because:

The court must set aside or replace with an order, all or part of an agreement about spousal support if the court is satisfied one or more circumstances set out in s. 164 (3) of the Family Law Act existed when the parties entered into the agreement, or the agreement is significantly unfair.

5. I am applying for the existing agreement to be:
Select only one option

❑ **set aside** ➜ *Skip ahead to **Part 5***

❑ **replaced with an order** ➜ *Complete **Part 4***

Part 4 | About the new order – Complete this part only if you are asking to change or replace the existing order or agreement

6. I am applying for the final order or agreement about spousal support to be **changed or replaced as follows**:
List the details of the order you are asking for

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

7. Based on the information I know about each party's means, needs, and other circumstances:
Select only one of the options below

❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ _____ to $ _____

❑ I expect a **lump sum amount payable** for spousal support to be approximately $ _____

❑ I am **not able to estimate** the amount payable for spousal support at this time

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 5 | Unpaid spousal support

8. As of _____ (Date (dd/mmm/yyyy)), the amount of **unpaid spousal support** (arrears) was $ _____

9. *Complete only if there is unpaid spousal support. You may leave this question blank.*
Select only one of the options below.

❑ I am **not applying** to reduce the amount of unpaid spousal support (arrears)

❑ I am **applying to reduce the amount** of unpaid spousal support (arrears) to $ _____ because:

10. *Complete only if there is unpaid spousal support. You may leave this question blank.*
I am applying for an **order that the remaining unpaid spousal support** be paid as follows:

❑ At a rate of $ _____ **per month**

❑ In a **lump sum** payment

❑ **Other** *(specify)*:

Part 6 | Income information

11. I am required to file a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

❑ I **am filing** a Financial Statement in Form 4 with this application.

❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE TO THE PARTIES:

This family law case includes an application about spousal support. You must provide your financial information with your application or reply to this application by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 16 | Property division in respect of a companion animal | No existing final order or written agreement

Complete this schedule only if you need a court order about property division in respect of a companion animal and you do not have an existing final court order or written agreement about property division in respect of the companion animal.

Part 1 | Order about property division in respect of a companion animal

1. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal
		❑ Me ❑ Other party
		❑ Me ❑ Other party
		❑ Me ❑ Other party
		❑ Me ❑ Other party

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse.**

Part 2 | The facts

2. The **facts** on which this application is based are **as follows**:
Provide the facts you want the court to consider and why the court should make the order you are applying for

In determining whether to make an order respecting a companion animal, the court must consider the following factors set out in section 97 (4.1) of the Family Law Act:

- the circumstances in which the companion animal was acquired
- the extent to which each spouse cared for the companion animal
- any history of family violence
- the risk of family violence
- a spouse's cruelty, or threat of cruelty, toward an animal
- the relationship that a child has with the companion animal
- the willingness and ability of each spouse to care for the basic needs of the companion animal
- any other circumstances the court considers relevant

Schedule 17 | Property division in respect of a companion animal | Existing written agreement

Complete this schedule only if you have an existing written agreement about the companion animal and you need a new court order made to set aside or replace the written agreement.

Part 1 | Written agreement

1. ❑ I have **a written agreement** about property division in respect of a companion animal made on *(date)* _____ that I want to repeal or replace **(see attached copy of agreement)**.

You must attach a copy of the agreement to this application for filing.

2. I believe the agreement about property division in respect of a companion animal should be set aside or replaced because:

As set out in s. 93 of the Family Law Act, the court must set aside or replace with an order, all or part of an agreement about property division if the court is satisfied one or more specified circumstances existed when the parties entered into the agreement, or the agreement is significantly unfair.

3. I am applying for the existing agreement to be:
Select only one option

❑ **set aside**

❑ **replaced with an order** → *Complete **Part 4***

Part 2 | Order about property division in respect of a companion animal – Complete this part only if you are asking to replace the existing agreement

4. I am applying for the agreement about a companion animal to be **replaced with an order** as follows:
List the details of the order you want the court to make

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse**.

Certificate of Service

Form 7

Provincial Court Family Rules
Rules 2, 27, 68, 77, 80, 136 and 183

COURT STAMP

Registry location:

Court file number:

Last names of parties:
Party 1/Party 2

Document number:
For registry use only

This Certificate of Service provides proof of service of court documents.

I certify that:

I, _____
Your full name

served _____
Full name of the person served (copy their name from the document you served them)

on _____ **at** _____ **a.m./p.m.**
Date the documents were served (dd/mmm/yyyy) — Time the documents were served

at _____
Street address or location, city, province, or email address or other identifier where the documents were served

For service by mail, the date the documents were served is 14 days after the date the documents were mailed, or the date the documents were confirmed as delivered if sent by registered mail.

with the following document(s) attached to this certificate:
Select all options that apply

- ❑ Application About a Family Law Matter
- ❑ Financial Statement
- ❑ Guardianship Affidavit
- ❑ Instructions about filing a reply
- ❑ Application for Case Management Order
- ❑ Application About a Protection Order
- ❑ Application About a Priority Parenting Matter
- ❑ Order
- ❑ Reply to a Counter Application
- ❑ Application for Order Prohibiting the Relocation of a Child
- ❑ Application About Enforcement
- ❑ Written Response to Application
- ❑ Notice of Intention to Proceed
- ❑ Other *(list additional document(s))*:

You must attach a copy of each document you served to this Certificate of Service.

by:

Personal service

- ❑ Leaving a copy of the document(s) with the person
- ❑ Alternative service method ordered by the court as follows:

An Application About a Family Law Matter can only be served by personal service. An Application About a Protection Order must also be served by personal service unless the court grants permission to proceed without notice.

Ordinary service to a party's address for service

- ❑ Leaving a copy of the document(s) at the person's address for service
- ❑ Mailing the document(s) by ordinary mail to the person's address for service on _____ (dd/mmm/yyyy)
  Note: The date the document is served is 14 days after this date.
- ❑ Mailing the document(s) by registered mail to the person's address for service
  Note: The date the document is served is the date the document was confirmed to have been delivered.
- ❑ Emailing the document(s) to the person's email address for service
- ❑ Faxing the document(s) to the person's fax number for service
- ❑ Alternative service method ordered by the court as follows:

If you served the documents by registered mail, you must attach a copy of the delivery confirmation.

Signature of the person who served the document — Date of Signature (dd/mmm/yyyy)

Reply to a Counter Application

Form 8

Provincial Court Family Rules
Rule 34

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Reply to a Counter Application provides notice to each party, and the court, of a party's reply to a counter application about a family law matter.

Please read before completing the form:

- You must complete the main reply portion of the form and any applicable schedule(s) for the family law matter(s) identified in Part 2 of the main reply.
- If the other party's application is about child support or spousal support, you must also file a Financial Statement in Form 4.
- You will need to reference the counter application about a family law matter that you received.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties

1. My **full name** is: _____
   Full name of party
2. I am replying to the **counter application made by** _____
   Full name of other party
3. *If applicable,* the additional **party's full name** is: _____
   Full name of other party/parties

Copy the other party's name from their application.

Part 2 | Replying to the other party's counter application

In your reply to a counter application, you may:

- agree with one or more of the orders about a family law matter applied for in the counter application; or
- disagree with one or more of the orders about a family law matter applied for in the counter application, and ask that a different order be made

4. In reply to the other party's application about a family law matter:
   Select only one option for each family law matter and complete the required schedule(s), as applicable. If the other party did not make a counter application for the family law matter, select "Not applicable".

This part will help you identify which family law matter you and the other party may agree or disagree about.

Based on how you reply, it will help identify the additional schedule(s) you must complete to provide more information to the court and the other party.

Parenting arrangements, including parental responsibilities and parenting time

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order should be made.
  ➜ *Complete **Schedule 1***

Child Support

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order should be made.
  ➜ *Complete **Schedule 2***

If this family law case includes an application about child support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Contact with a child

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order should be made.
  ➜ *Complete* ***Schedule 3***

Guardianship of a child – appointing a new guardian or cancelling guardianship

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party ➜ *Complete* ***Schedule 4***

Spousal support

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order should be made.
  ➜ *Complete* ***Schedule 5***

Property division in respect of a companion animal

- ❑ Not applicable
- ❑ I agree with the request of the other party
- ❑ I disagree with the request of the other party. A different order should be made.
  ➜ *Complete* ***Schedule 6***

If this family law case includes an application about spousal support, you must provide your financial information with your reply to the application by completing and filing a Financial Statement in Form 4 [Rule 28].

Schedule 1 | Parenting Arrangements | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about parenting arrangements, including parental responsibilities and parenting time, applied for by the other party on Schedule 7 or Schedule 8 of their Reply to an Application About a Family Law Matter with Counter Application.

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Part 1 | Reason you disagree

1. I **do not agree with the order requested** by the other party about parenting arrangements, including parental responsibilities and parenting time, because:

Part 2 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about parenting arrangements, including parental responsibilities and parenting time.

2. *Select only one of the options below*
   - ❑ I would like the final order or agreement to **continue to be in place** → *If you selected this option, no further information is required on this schedule*
   - ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about parenting arrangements, including parental responsibilities and parenting time - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]

3. I am applying for an **order about parenting arrangements, including parental responsibilities or parenting time**, as follows:
   List the details of the order you are asking for

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

4. I believe the order about parenting arrangements I am applying for, including parental responsibilities and parenting time, is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2 | Child Support

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about child support applied for by the other party on Schedule 9 or Schedule 10 of their Reply to an Application About a Family Law Matter with Counter Application.

Child support is the amount of money a parent or guardian pays to another parent or guardian to help care for a child.

Part 1 | About you

1. I am:

Select the option below that best describes your relationship to the child

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ not a parent or guardian of the child(ren)
  - *Select only if applicable* ❑ **I request a parentage test**
- ❑ not a person standing in the place of a parent to the child(ren) (for example, a step-parent)

If there is more than one child the application is about, and your relationship is different, you may select more than one option and list the name(s) of the child at the end of the statement to which it applies.

Part 2 | Reason you disagree

2. I **do not agree** with the order requested by the other party about child support because:

Select each option that applies and complete the required information, as applicable

- ❑ **My income** is not what the other party claims it is
- ❑ The **other party's income** is not what they claim it is *(please explain)*:
- ❑ I believe the **special or extraordinary expenses** are not what the other party claims they are *(please explain)*:
- ❑ The **living arrangements** for the child(ren) are not as described
  Please describe the child(ren)'s living arrangements:
- ❑ The amount would cause me **undue hardship** because:
  - ❑ I have an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ I have unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ I have a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ I have a legal duty to support a dependent child from another relationship
  - ❑ Other undue hardship circumstances *(specify)*:
- ❑ **Other** reason *(specify)*:

The amount of child support is usually based on the Federal Child Support Guidelines using each party's income and the living arrangements for a child. It is meant to cover regular expenses like clothes, food and housing.

For more information about how the amount payable for child support is calculated, see the guidebook.

If you disagree with details of the order such as when payments should start, you can include that under other reasons and give suggested options.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about child support

3. *Select only one of the options below*

- ❑ I would like the final order or agreement to **continue to be in place**
- ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ❑ I agree that the **amount of unpaid child support** (arrears) in the application **is correct**
- ❑ The amount of unpaid child support (arrears) in the application is **not correct**. As of *(date)* _____ , the amount of unpaid child support (arrears) was $ _____ .

Part 4 | Order about child support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of children under 19 years of age and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

5. *Select each applicable option and complete the requested information. If you are only disagreeing with when support payments start, you may leave this question blank.*

- ❑ I am applying for an order for ongoing support to be paid by *(name of paying party)* _____ in the monthly amount set out in the child support guidelines for *(number)* ____ child(ren).
  - ❑ Based on the information I know about the other party's income and my application for child support I expect the amount payable for monthly child support to be approximately $ _____ .
  - ❑ I am not able to estimate the amount payable for monthly child support at this time.

> For more information about how to calculate the amount payable for child support, see the guidebook.

- ❑ I am applying for an order for **special or extraordinary expenses** under section 7 of the child support guidelines as follows:
  List the expenses you are claiming for each child
  You must file a Financial Statement Form 4 to itemize the specific amounts

> For more information about what can be included as special or extraordinary expenses, see the guidebook.

- ❑ I am applying for an order to **change the guideline amount payable** because the guideline amount would cause me **undue hardship** because I have:
  - ❑ an unusual or excessive amount of debt I incurred to support the family prior to separation or to earn a living
  - ❑ unusually high expenses to exercise parenting time or contact with the child(ren)
  - ❑ a legal duty to support another person, such as an ill or disabled person or a former spouse
  - ❑ a legal duty to support a dependent child from another relationship
  - ❑ other undue hardship circumstances *(specify)*:

> The court may order child support in an amount different from the guidelines if appropriate [s. 10 Child Support Guidelines].

6. Child support payments should **start on** _____ because:
Date (dd/mmm/yyyy) or event

> In making an order about child support, the court may provide that support be paid respecting any period of time before the application is made [s. 170 Family Law Act].

Part 5 | Income information

7. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

   Select only one of the options below

   ❑ I **am filing** a Financial Statement in Form 4 with this application.

   ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

IMPORTANT NOTE:

This family law case includes an application about child support. You must provide your financial information with your reply by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 21 to 25 Child Support Guidelines].

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 3 | Contact with a child

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about contact with a child applied for by the other party on Schedule 11 or Schedule 12 of their Reply to an Application About a Family Law Matter with Counter Application.

Part 1 | Reason you disagree

1. I **do not agree with the order requested** by the other party about contact with a child, because:

Part 2 | Existing final order or agreement – Complete this part only if there is an existing order or agreement about contact with a child

2. *Select only one of the options below*
   - ❑ I would like the final order or agreement to **continue to be in place** → *If you selected this option, no further information is required on this schedule*
   - ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 3

Part 3 | Order about contact with a child – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

3. I am applying for an order for the child(ren) to have **contact with a person <u>who is not their guardian</u>** as follows:
   Select all options that apply and complete the required information
   - ❑ In person *(specify)*:
     Provide details including specific dates or events requested, or dates and times that would be most suitable
   - ❑ Telephone communication
   - ❑ Video communication
   - ❑ Written communication
   - ❑ Other method of communication *(specify)*:

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

4. *Complete if applicable. You may leave this question blank.*
   I am applying for **additional terms about contact** with a child as follows:
   List the details of the terms you are asking for

Part 4 | Best interests of the child - You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

5. I believe the order about contact with a child that I am applying for is in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 4 | Guardianship of a child | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about guardianship of a child applied for by the other party on Schedule 13 of their Reply to an Application About a Family Law Matter with Counter Application.

A guardian is responsible for a child.

Only guardians have parental responsibilities and parenting time with a child [s. 40 Family Law Act].

Part 1 | Reason you disagree – Best interests of the child

1. I **do not agree with the order requested** by the other party about guardianship of a child. I believe the order they have requested is **not in the best interests of the child(ren)** because:

   List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

Schedule 5 | Spousal Support

Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about spousal support applied for by the other party on Schedule 14 or Schedule 15 of their Reply to an Application About a Family Law Matter with Counter Application.

Part 1 | Relationship between the parties

1. *Select only one of the options below*

- ❑ **I am** (or was) the other party's spouse
- ❑ I **have never been** the other party's spouse
  Please describe your relationship to the other party:

A spouse has a duty to provide support, if after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support [s. 160 Family Law Act].

Part 2 | Reason you disagree

2. I **do not agree** with the order requested by the other party about spousal support because:
Select each option that applies and complete the required information, as applicable

- ❑ I do not believe the other party is **entitled** to spousal support *(please explain)*:
- ❑ **My income** is not what the other party claims it is
- ❑ **My employment**, training, health and ability to work is not what the other party claims it is *(please explain)*:
- ❑ The **other party's financial situation** is not what they claim it is *(please explain)*:
- ❑ The **other party's employment**, training, health and ability to work is not what the other party claims it is *(please explain)*:
- ❑ The **other party's expenses** are not what they claim them to be *(please explain)*:
- ❑ **Other** reason *(specify)*:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].

See the other party's financial statement for their financial information.

Part 3 | Existing final order or agreement – Complete this part only if there is an existing final order or agreement about spousal support.

3. *Select only one of the options below*

- ❑ I would like the final order or agreement to **continue to be in place**
- ❑ I am applying for the final order or agreement to be **changed, suspended or replaced** as set out in Part 4

4. *Select only one of the options below*

- ❑ I agree that the **amount of unpaid spousal support** (arrears) in the application **is correct**
- ❑ The amount of unpaid spousal support (arrears) in the application is **not correct**. As of *(date)* _____, the amount of unpaid spousal support (arrears)was $ _____.

Part 4 | Order about spousal support – You do not need to complete this part if have indicated you would like the existing order or agreement to continue to be in place.

5. I am applying for an **order for spousal support** to be paid by *(name of paying party)* _____ as follows:

- ❑ **Monthly payments** to commence on *(date)* _____ *(number)* _____ ❑ **month(s)** ❑ **year(s)**
- ❑ **Lump sum** payment
- ❑ **Other** *(specify)*:

6. Based on the information I know about each party's means, needs, and other circumstances:

Select only one of the options below

- ❑ I expect the range for the **monthly amount payable** for spousal support to be approximately $ _____ to $ _____
- ❑ I expect a **lump sum amount payable** for spousal support to be approximately $ _____
- ❑ I am **not able to estimate** the amount payable for spousal support at this time

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

For more information about how to calculate the amount for spousal support, see the guidebook.

Part 5 | Income information

7. **I am required to file** a Financial Statement Form 4 to provide my income information to the court.

Select only one of the options below

- ❑ I **am filing** a Financial Statement in Form 4 with this application.
- ❑ I am **not able to file** a Financial Statement in Form 4 with this application. I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that my income information in Form 4 be provided with this application. I understand I will still be required to file a Financial Statement in Form 4 at a later date.

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

You must file a Financial Statement Form 4 or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE:

This family law case includes an application about spousal support. You must provide your financial information with your reply by completing and filing a Financial Statement in Form 4.

If you do not give your complete, true, and up-to-date financial information when needed, the court can:

- order that the income information be provided
- assume a party's income is a certain amount for support purposes and make an order based on it
- require a party to give security
- require a party to pay the other party's expenses, an amount to the other party up to $5,000, or a fine up to $5,000
- make any other order the court considers appropriate

Schedule 6 | Property division in respect of a companion animal | Disagree with order requested by other party

Complete this schedule only if you disagree with all or part of the order about property division in respect of the companion animal applied for by the other party on Schedule 16 or Schedule 17 of their Reply to an Application About a Family Law Matter with Counter Application.

Part 1 | Relationship between the parties

1. *Select only one of the options below*

- ❑ **I am** (or was) the other party's spouse
- ❑ I **have never been** the other party's spouse

Please describe your relationship to the other party:

Part 2 | Reason you disagree

2. I **do not agree with the order requested** by the other party about property division in respect of a companion animal because:

Part 3 | Existing agreement – Complete this part only if there is an existing agreement about property division in respect of the companion animal.

3. *Select only one of the options below*

- ❑ I would like the agreement to **continue to be in place** ➔ *If you selected this option, no further information is required on this schedule*
- ❑ I am applying for the agreement to be **replaced** as set out in Part 4

Part 4 | Order about property division in respect of a companion animal – You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

4. I am applying for a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal	
		❑ Me	❑ Other party
		❑ Me	❑ Other party
		❑ Me	❑ Other party
		❑ Me	❑ Other party

ⓘ Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal by one spouse.

Part 5 | The facts - You do not need to complete this part if have indicated you would like the existing agreement to continue to be in place.

5. The **facts** on which this application is based are as follows:

Provide the facts you want the court to consider and why the court should make the order you are applying for

Application for Permission and Review of Family Justice Manager Order or Direction
Form 9

Provincial Court Family Court Rules
Rule 58

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for Permission and Review of Family Manager Order or Direction sets out the details of a request for permission to seek review of an order or direction made by a family justice manager that a person is applying for.

Please read before completing the form:

- This application is to be used to ask permission to seek review of an order or direction made by a family justice manager and must be filed within 14 days after the date the order or direction was made.
- For guidance filling in this form, please read the guidebook. The guide is available from your local court registry or online at www.gov.bc.ca/court-forms.

Part 1 | About the parties

1. My **full name** is: _____
   Full name of party

   My **date of birth** is: _____
   (dd/mmm/yyyy)

2. The **other party's full name** is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____
   ❑ There is an additional party.
   The **additional party's** full name is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____

Copy the party information from a filed document in your case. It should match.

Part 2 | Notice of the application

3. ❑ I understand **I must give notice** of this application to each other party, including any other person who may be directly affected by the order.
   To give notice, they must be served with the application and supporting documents **at least 7 days before** the date of the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.

For more information about serving court documents, see the guidebook.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ **at** _____ **a.m./p.m.**
date time

❑ in person at _____
court location

❑ by another method of attendance, as specified _____
attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

Part 4 | About the request

4. ❑ I am **applying for permission** of a judge **to seek review of the order or direction** of a family justice manager dated _____ (dd/mmm/yyyy) **(see attached copy of order or direction)**.

You must attach a copy of the order or direction to this application for filing.

5. I am making an application for review of the order or direction for the following reason(s):

As set out in Rule 58, in granting permission for review, a judge may consider if:

- the order or direction conflicts with any other order or direction in respect of the parties,
- the order or direction is correct, and
- the proposed review involves matters of sufficient importance

Part 5 | Address for service

6. My **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

Application for Case Management Order

Form 10

Provincial Court Family Rules
Rules 54, 55, 62, 63, 64, 83, 118 and 159

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for Case Management Order sets out the details of a case management order that a person is applying for. The order requested may be made without a court appearance with the consent of all other parties including any person directly affected by the order or at a court appearance with notice to each party and any other person who may be directly affected by the order.

Please read before completing the form:

- You can use this form to apply for a case management order by consent without attending before the court, or to request a court appearance for the order.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties and any other person who may be directly affected

1. **My full name** is:
   Full name of party/person

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The **other party's full name** is:
   Full name of party/parties

3. *Complete only if applicable. You may leave this question blank.*
   The following other person(s) who may be directed affected by the order is/are:
   Full name of other person(s)

A case management order may be about something that a person who is not a party needs to do, for example a family justice counsellor. If it is, they also need to be identified.

Part 2 | Information about children

4. *Select the correct option below and provide the additional information if applicable*
   - ❑ I am not a party to the case
   - ❑ I am a party to the case and the case **does not involve a child**-related issue
   - ❑ I am a party to the case and the case **involves a child**-related issue about the following child or children:

   Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

Part 3 | Notice of the application

5. ❑ I understand **I must give notice** of this application to each other party, and any other person who may be directly affected by the order.
   To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.

For more information about serving court documents, see the guidebook.

Part 4 | Case management order

6. I am applying for the following **case management order(s)**:

- ❑ Transferring a court file to another registry for all purposes or specific purposes
- ❑ Relating to the management of a court record, file or document, including access to a court file
- ❑ Correcting or amending a filed document, including the correction of a name or date of birth
- ❑ Setting a specified period for the filing and exchanging of information or evidence, including a financial statement in Form 4 [Financial Statement]
- ❑ Specifying or requiring information that must be disclosed by a person who is not a party to a case
- ❑ Requiring that a parentage test be taken under section 33 *[parentage tests]* of the *Family Law Act*
- ❑ Requiring access to information in accordance with section 242 *[orders respecting searchable information]* of the *Family Law Act*
- ❑ Authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the release of information
- ❑ Recognizing an extraprovincial order other than a support order
- ❑ Waiving or modifying any requirement related to service or giving notice to a person, including allowing an alternative method for the service of a document
- ❑ Waiving or modifying any other requirement under these rules, including a time limit set under these rules or a time limit set by an order or direction, even after the time limit has expired
- ❑ Allowing a person to attend a court appearance using a different method of attendance
- ❑ Adjourning a court appearance
- ❑ Respecting the conduct of a party or management of a case
- ❑ Relating to a report under section 211 *[orders respecting reports]* of the *Family Law Act*, including requiring that a person who prepared the report attend a trial as a witness
- ❑ Adding or removing a party to the case, including leave to intervene under section 204 (2) [intervention by Attorney General or other person] of the Family Law Act
- ❑ Respecting the appointment of a lawyer to represent
  - i) the interests of a child, or
  - ii) a party
- ❑ Settling or correcting the terms of an order made under the rules
- ❑ Cancelling a subpoena
- ❑ Changing, suspending or cancelling an order made in my absence

For more information about the different case management orders you can apply for, see the guidebook or Rule 62.

Part 5 | Details of the order

7. The **details of the order** I am applying for are as follows:

List the specific details of the order(s) you are asking for

Part 6 | The facts

8. The **facts** on which this application is based **are as follows**:
Explain why you are making the application and why the order you are requesting should be made

If you are applying to change, suspend, or cancel an order made in your absence, you must explain:

- why you did not file a reply or attend court when required,
- why the order to change, suspend or cancel an order should be made, and,
- the reason(s) for any delay in making this application.

Rule 54 and 159

Part 7 | Consent of other party and any other person

9. *Select one of the following options, and complete the additional information as applicable*

- ❑ I **do not have the consent** of each party, and any other person directly affected by the order
- ❑ Each party, and any person directly affected by the order, has consented to the case management order and:
  - ❑ a draft Consent Order Form 18 signed by each party, and any other person directly affected by the order, or their lawyer, is submitted with this application and supporting documents for review without attending before the court
  - ❑ a court appearance is requested

Before filing your application, it is good practice to contact the other party to see if they will consent to the order. If they do agree, you can choose to:

- prepare and file a Consent Order Form 18, or
- go to a court appearance.

Rule 83

Part 8 | Availability for court appearance

10. *Select only one of the following options*

- ❑ I **contacted** the other party, and each other person affected, and **they have agreed** to a date and time for the court appearance
- ❑ I **contacted** the other party, and each other person affected, **but we have not agreed** to a date and time for the court appearance
- ❑ I **have not contacted** the other party, and each other person affected, to discuss available dates and times for the court appearance

The court prefers to schedule a court appearance for a date that works for everyone to help reduce delays.

Try to pick a few dates that may work for you. The registry or judicial case manager will work with you to schedule a date based on the court's availability too.

Part 9 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ **at** _____ **a.m./p.m.**

date time

- ❑ in person at _____
  court location
- ❑ by another method of attendance, as specified _____
  attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 10 | Filing location

11. I am filing this application **in the court registry**:

Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Closest to **where I live** because my case does not involve a child-related issue
- ❑ Permitted by **court order**

Part 11 | Address for service

12. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

For more information about how this information will be used and who will have access to it, see the guidebook.

Application for Case Management Order Without Notice or Attendance

Form 11

Provincial Court Family Rules
Rules 62, 63, 65 and 78

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for Case Management Order Without Notice or Attendance sets out the details of a case management order that a person is applying for without notice to another party and without attendance at a court appearance.

For more information about case management orders, see the guidebook.

Please read before completing the form:

- You must complete the main application and any applicable schedule for your application identified in Part 3 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties

1. **My full name** is: _____
   Full name of party

   My **date of birth** is: _____
   (dd/mmm/yyyy)

2. The **other party's full name** is: _____
   Full name of party/parties

Part 2 | Application without notice

3. ❑ I am **applying** for a case management order **without notice** to any other party.
   I understand that **I will be required to serve a copy of any order** I receive on each other party along with a copy of this application and any supporting document(s).

To apply with notice, you can file an Application for Case Management Order Form 10.

Part 3 | About the order

You can apply for one or more case management orders using this form.

4. I am applying for the following case management order(s):
   Select all options that apply and complete the required schedule(s)

   ❑ Allowing a person to **attend a court appearance** using another method of attendance
   ➞ *Complete **Schedule 1***

   ❑ **Waiving or modifying** any requirement related to **service or giving notice** to a person, including allowing an alternative method for the service of a document
   ➞ *Complete **Schedule 2***

   ❑ **Waiving or modifying any other requirement** under the rules
   ➞ *Complete **Schedule 3***

   ❑ Requiring **access to information** in accordance with **section 242** *[orders respecting searchable information]* of the *Family Law Act* ➞ *Complete **Schedule 4***

   ❑ Authorizing an official of the court, in accordance with section 10 of the *Family Orders and Agreements Enforcement Assistance Act* (Canada), to make an application under section 12 of that Act for the **release of information**
   ***File a criminal record check and completed affidavit** that meets the requirements of sections 8 and 9 of the Family Orders and Agreements Enforcement Assistance Act (Canada)*

   ❑ **Recognizing an extraprovincial order** other than a support order
   ➞ *Complete **Schedule 5***

You can apply to modify the service or notice requirements if you have an urgent application.

You can apply to modify the reply period if you have an urgent application.

For more information about the requirements for the affidavit, see the guidebook.

Part 4 | Information about children

5. *Select the correct option below and provide the additional information if applicable.*

- ❑ **I am not a party** to the case
- ❑ I am a party to the case and the case **does not involve a child**-related issue
- ❑ I am a party to the case and the case **involves a child**-related issue about the following child or children:

Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

Part 5 | Filing location

6. I am filing this application **in the court registry**:

Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Closest to **where I live** because my case does not involve a child-related issue
- ❑ Permitted by **court order**

Part 6 | Address for service

7. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

IMPORTANT NOTE:

A judge reviewing an application for a case management order without notice or attendance may do any of the following:

- approve and sign the order without the need for you to come to court
- ask you to provide more information or evidence in writing or by coming to court to give that information
- require that notice be given to any other parties
- reject the application with an explanation

Schedule 1 | Attendance using another method of attendance

Complete this schedule only if you are applying for an order to allow a person to attend a court appearance using another method of attendance other than the default method.

For more information about methods of attendance, see the guidebook.

Part 1 | About the order

1. I am applying for an **order to allow**:

- ❑ Me
- ❑ My lawyer *(provide full name of lawyer)*:
- ❑ Other *(specify name and role):*

to attend at the:

- ❑ Family management conference
- ❑ Family settlement conference
- ❑ Trial preparation conference
- ❑ Hearing
- ❑ Other *(specify):*

scheduled for: _____ **at** _____ **by** _____

Date (dd/mmm/yyyy) Time Method of attendance

by another method of attendance as follows:

- ❑ In person
- ❑ By telephone
- ❑ By video conference
- ❑ Other means of electronic communication *(specify)*:

Part 2 | Documents for court appearance

2. The documents I may want to refer to in court have been submitted to the court registry and received by the other party

❑ **Yes** ❑ **No**

During a court appearance, there may be documents you need to reference.

Part 3 | Reasons for attending by another method of attendance

3. The **request** to attend by another method of attendance **is being made because**:

List the reasons for not being able to attend by the default method of attendance and/or why you need to attend using the other method of attendance

The court may consider:

- the distance between locations
- illness or disability
- financial cost
- expense incurred, or savings realized, by using electronic communication
- concerns related to security, including risk of family violence
- difficulty conducting the appearance using electronic communication

Rule 164

Schedule 2 | Waiving or modifying requirement related to service or giving notice

Complete this schedule only if you are applying for an order to waive or modify any requirement related to service or giving notice, including allowing an alternative method for the service of a document.

For more information about requirements related to service or giving notice, see the guidebook.

Part 1 | What are you applying for

Depending on the order you need, the court requires different information.

1. I am applying for an order to:
   Select each applicable option and complete the required part(s)
   - ❑ **Waive** a requirement related to service or giving notice ➜ *Complete **Part 2***
   - ❑ **Modify** a requirement related to service or giving notice ➜ *Complete **Part 3***
   - ❑ **Allow service** of a document using an **alternative method** ➜ *Complete **Part 4***

If a requirement is waived, it means it no longer applies.

The court can order that an application proceed without notice to a person only in certain circumstances set out in the Rules.

If a requirement is modified, you still need to meet the requirement, but it has been changed.

Part 2 | Waive a requirement – Complete this part only if you are applying to waive a requirement related to service or giving notice.

Judges normally hear from all parties before making decisions. When, for example, there is urgency or risk of harm, the court could hear from only one party.

2. I am applying to **waive the requirement** for service or giving notice to a person of the following document(s):
   Select all options that apply
   - ❑ Application About a Priority Parenting Matter
   - ❑ Application About a Family Law Matter
   - ❑ Subpoena
   - ❑ Order
   - ❑ Other *(specify)*:

3. The **facts** on which this application is based **are as follows**:
   Explain why you are making the application and why the order you are requesting should be made

Remember to include:

- why the application or your situation is urgent or what special circumstances exist,
- why the other party should not be served or given notice, and
- what you believe will happen if the other party is served or given notice.

Part 3 | Modify a requirement – Complete this part only if you are applying to modify a requirement related to service or giving notice.

If obtaining an order from the court is time sensitive, the court may allow less than the required amount of notice. If there are special circumstances requiring more time to prepare to attend court, the court may allow more than the required amount of notice.

4. I am applying to **modify the requirement** for service or giving notice to a person of the following document(s):
   Select all options that apply
   - ❑ Application About a Priority Parenting Matter
   - ❑ Application About a Family Law Matter
   - ❑ Subpoena
   - ❑ Order
   - ❑ Other *(specify)*:

5. The **details of the order** I am applying for are as follows:
Explain how you want the requirement for service or giving notice to be modified

6. The **facts** on which this application is based **are as follows**:
Explain why you are making the application and why the order you are requesting should be made

Remember to include:
- why the application or your situation is urgent or what special circumstances exist,
- why the requirement should be modified, and
- how it will benefit the case proceeding.

Part 4 | Allow service of a document using an alternative method

Complete this part only if you are applying to allow service using an alternative method.

Service of a document must be done according to the rules unless the court makes an order allowing another method of service

To make an order that the document be served using an alternative method of service, the court must be satisfied that the person to be served cannot be found after a diligent search, is evading service of the document or is temporarily outside British Columbia [Rule 182].

Person and documents to be served

7. I need **to serve** _____ with the **following document(s)**:
Full name of person
List each document you need an order from the court to serve using an alternative method

Reason for application

8. *Select whichever option is correct and complete the requested information*

❑ I **do not know where to find** the person to be served. I have made the following **efforts to find them**:
Explain how you have tried to locate them, where you have searched, and who you have contacted

You may have some contact information for the person, but you do not know how to find them in person.

❑ I believe the person to be served is **avoiding service** of the document(s) **or** is **temporarily outside of British Columbia**. I believe this to be true because the following **efforts have been made to serve** them with the document(s):
Explain when and where you tried to serve the person and what happened when you tried

You can include what you saw, who you may have talked to and what they said.

9. **I know** the following **information about the person**'s address, location, contact information or who might be able to get in touch with them:
Include the information you know, how you know the information and when it was last confirmed or became known to you

Order for alternative method of service

10. I am applying for an order **to be allowed to serve the document(s) in the following manner**:
Select only one option and provide the requested information

❑ Posting the documents on the door of the person's residence at *(provide address)*:

Address | City

❑ Leaving the documents with a relative or other adult person to give to the person to be served:

Full name of relative/adult person:

Relationship to person to be served:

❑ Mailing the documents by ❑ **registered mail** ❑ **regular mail** to:

Address | City

❑ Sending the documents to the person's email at:

Email

❑ Sending the documents by text message to the person's cell at:

Cell number

❑ Sending the documents by instant messaging to the person to be served through

Social platform | at | Account identifier (handle, number, etc.)

❑ Leaving the documents at the person's last known address at *(provide address)*:

Address | City

❑ Other method *(specify)*:

The facts

11. I believe the alternative method of service I am requesting **will bring the documents to the attention of the person to be served** because:

Schedule 3 | Waiving or modifying any other requirement under the rules

Complete this schedule only if you are applying to waive or modify any other requirement under the rules, including a time limit set by an order or direction, even after the time limit has expired.

Part 1 | Requirement I need to waive or modify

1. I am applying for an order to **waive or modify the following requirement**(s) under the rules:

- ❑ Filing at a court registry other than the court registry required by Rule 7
- ❑ Attending a needs assessment
- ❑ Completing a parenting education program
- ❑ Participating in consensual dispute resolution
- ❑ Filing a completed financial statement Form 4 with my application, reply or counter application
- ❑ Filing the required documents to support an application about guardianship of a child
- ❑ Time to file a reply, including permission to file a reply after the time to reply has passed
- ❑ Time to provide or exchange documents
- ❑ Time limit set by an order or direction made

  on _____ by _____

  Date (dd/mmm/yyyy) — Name of judge or family justice manager
- ❑ Other *(specify)*: _____

A requirement under the rules is any time the rules say you "must" do something.

For more information about the requirements under the rules you may need to waive or modify, including if you need an urgent court order, see the guidebook.

Part 2 | About the order

2. The **details of the order** I am applying for are as follows:
Include if you are asking to waive or modify the requirement. If you are applying to modify the requirement, you need to include how you want the requirement changed.

If a requirement is waived, it means it no longer applies. You don't need to complete it at any time.

If a requirement is modified, you still need to meet the requirement, but it has been changed. A modified requirement could include changing when a document can be filed or when a step under the rules must be taken.

Part 3 | The facts

3. The **facts** on which this application is based **are as follows**:
Explain why you are making the application and why the order you are requesting should be made

You may wish to include:

- if you can complete the requirement later, and when;
- if this application is being made because you need an urgent order, what the urgent application is about and who is involved; and
- how the order being made will benefit the case proceeding.

Schedule 4 | Access to Information Section 242 Family Law Act

Complete this schedule only if you are a search officer applying for access to information in accordance with section 242 *[orders respecting searchable information]* of the Family Law Act.

A search officer is a person appointed under section 236 of the Family Law Act.

A search officer can make an application under section 242 of the Family Law Act if a person has refused or not adequately complied with a request under section 239 of the Act.

Part 1 | About the order

1. The **details of the order** I am applying for are as follows:

Part 2 | The facts

2. The **facts** on which this application is based **are as follows**:

Schedule 5 | Recognizing an Extraprovincial Order other than a support order

Complete this schedule only if you have an order from another province or territory in Canada for parenting arrangements, contact with a child, guardianship or similar that you would like recognized in British Columbia so that it may be treated as if it were an order made in British Columbia.

For more information about how to register a support order from another province or territory in Canada for enforcement in BC, see the guidebook.

Part 1 | About the order

1. I am applying for **recognition of the attached extraprovincial order** made on

	at		
Date (dd/mmm/yyyy)	Court location	City	Province/Territory

about parenting arrangements, contact with a child, guardianship, or an order that is similar in nature.

❑ **A certified copy of the order is attached**.

You must attach a certified copy of the order to your application for filing.

A certified copy is a copy of the original order from the other court that has been endorsed using a stamp or certificate by the court to say it is a true copy of the original.

Contact the original court location to get a certified copy.

Part 2 | Other party's contact information

2. The **contact information for the other party**, as I know it, is:

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Application About a Protection Order

Form 12

Provincial Court Family Rules
Rules 67, 68 and 172

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application About a Protection Order sets out the details of an order about a protection order that a person is applying for.
A protection order made under the Family Law Act is a court order to protect a family member from another family member if there is a risk of family violence.

For more information about what family violence includes or who is a family member, see the guidebook.

Please read before completing the form:

- You must complete the main application and any applicable schedule for your application identified in Part 2 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties

1. **My full name** is (full name of party):
   My **date of birth** is (dd/mmm/yyyy):
2. The person **I want protection from**, or **who made an application for protection from me**, is the other party.
   The **other party's full name** is:
   Their **date of birth** is:
   (dd/mmm/yyyy) or (unknown)

A protection order may be made on application by a family member claiming to be an at-risk family member or by a person on behalf of an at-risk family member [s. 183 Family Law Act].

Part 2 | What are you asking for in this application

3. I am **applying for the following order**:
   Select only one of the options below and complete the required schedule
   - ❑ **Protection order** → *Complete **Schedule 1***
   - ❑ **Order to change an existing protection order** → *Complete **Schedule 2***
   - ❑ **Order to terminate an existing protection order** → *Complete **Schedule 3***

Part 3 | Notice of the application

An application is usually made with notice to the other party. To give notice, the other party must be served with the application and supporting documents at least 7 days before the date set for the court appearance.

An application about a protection order can also be made without notice to the other party [s. 186 Family Law Act].

For more information about serving court documents, see the guidebook.

4. *Select only one of the options below*
   - ❑ I am applying **with notice** to the other party
   - ❑ I want to apply **without notice** to the other party because:
     Tell the court why the application or your situation is urgent and what you believe will happen if the other party is served with the application and given a chance to attend court so that you can both be heard at the same time

To apply without notice, you must satisfy the court that there is a real risk of danger or serious consequence if notice were required.

NOTE TO PARTY:

You may make your application without notice to the other party, but the judge will decide if it will be heard without notice, if notice must be given, or if the notice period should be shortened.

For more information about applying with or without notice, see the guidebook.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ **at** _____ **a.m./p.m.**

date time

❑ in person at _____

court location

❑ by another method of attendance, as specified _____

attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 5 | Address for service

5. My **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1 | Protection Order

Complete this schedule only if you are applying for a Family Law Act protection order.

This schedule is an affidavit. It sets out the evidence to help you explain to the court why you need a protection order and what it should include.

Part 1 | Affidavit

I, _____ , _____ of _____ ,
Name of party | Occupation | Address of person, City, Province

SWEAR OR AFFIRM THAT:

1. I am making this affidavit in support of an application for a protection order.

For more information about swearing or affirming an affidavit, see the guidebook.

Part 2 | Protected party/parties

A protection order made under the Family Law Act is a court order that protects one family member from another family member if there is a risk of family violence.

The person(s) identified in this part is/are referred to as the protected party/parties. The other party is the family member they need protection from.

2. I am applying for a protection order for **the following person(s) to be protected**:
Select and complete only those options that apply to your situation. You may select more than one.

❑ **Me**

❑ The following **child(ren)** I am a parent or guardian to:
Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**My relationship to the child**	**Other party's relationship to the child**	**Child is currently living with** (name of person)

❑ The following **adult family member(s)** sharing the residence with the protected person:

Full name	**Date of birth** (dd/mmm/yyyy)	**Relationship to the protected person(s)**

❑ The following **other at-risk person** I am applying on behalf of for a protection order:

Full name of other person to be protected	**Date of birth** (dd/mmm/yyyy)

Explain **why** you are applying for the other person:

As set out in s. 183 of the Family Law Act, a protection order can protect:

- you (the applying party)
- your children
- an adult family member that lives with the protected party (you and/or your children)
- an at-risk person you are applying on behalf of for protection from their family member

You cannot apply for the protection of another person's child. If you believe a child needs protection and their parent or guardian is unwilling or unable to apply for a protection order on their behalf, contact the Ministry of Children and Family Development.

A family member is a defined term under s. 1 of the Family Law Act. For more information about who is a family member, see the guidebook.

Part 3 | About the protection order

The questions in this part will help the court understand what terms the protection order may need to include.

A protection order may include any of the terms set out in s.183(3) of the Family Law Act.

No go

3. I **do not want** the other party to be able to **attend at, enter or be found near** the following place(s):

Select all options that apply

- ❑ Residence
- ❑ School
- ❑ Place of employment
- ❑ Childcare facility
- ❑ Other *(specify)*:

You might be asked by the judge at your court appearance to provide the specific address and name of the place. Be sure to have them ready.

No contact except

4. The protected party may **need to communicate** with the other party for the following reason(s):

Select all options that apply

- ❑ Not applicable
- ❑ Consensual dispute resolution
- ❑ Parenting arrangements
- ❑ Ongoing court action
- ❑ Other *(specify)*:

Firearms and weapons

5. I am concerned the other party would **cause harm with or threaten to use guns, explosives, or another kind of firearm**.

- ❑ **No**
- ❑ **Yes** → explain the reason(s) for your concerns:

6. I believe the other party **owns or has access to guns, explosives, or another kind of firearm**.

- ❑ **No**
- ❑ **Yes** → explain the reason(s) for your belief:

7. I am concerned the other party would **cause harm with or threaten to use a weapon that is not a gun or explosive**.

- ❑ **No**
- ❑ **Yes** → explain the reason(s) for your concerns:

8. I believe the other party **owns a weapon that is not a gun or explosive**.

- ❑ **No**
- ❑ **Yes** → explain the reason(s) for your belief:

Examples of weapons someone might own include swords, hunting knives, nun chucks, and brass knuckles.

Remove person or belongings from residence

9. I believe **police assistance may be required** for the following purpose(s):
Select all options that apply

- ❑ Not applicable
- ❑ To remove the other party from a shared residence
- ❑ To supervise the removal of the protected party's personal belongings from the shared residence
- ❑ To supervise the removal of the other party's personal belongings from the shared residence
- ❑ To supervise the removal of the child(ren)'s personal belongings from a residence
- ❑ Other *(specify)*:

The court can order that the police help to remove the other party from a shared residence and/or that they help supervise the removal or collection of belongings.

Part 4 | Your story

The questions in this part will help the court better understand the relationship between the parties, background, risk factors and circumstances that have brought you before the court to apply for a protection order.

Section 184 of the Family Law Act sets out what a court must consider in determining whether to make a protection order.

Relationship between the parties

10. *Select only one of the options below*

- ❑ The protected party is (or was) the other party's **spouse**. The parties are (or were) **married**, or **live** (or have lived) **together** in a marriage-like relationship.
  Complete the information below about your relationship, as applicable. ***You may leave a field blank if it does not apply.***

  Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy):

  Date of marriage (dd/mmm/yyyy):

  Date of separation (dd/mmm/yyyy):

- ❑ The protected party has never been the other party's spouse. The protected party/parties and the other party are related as follows:
  Describe how *they are* ***related*** *for the purposes of this application*

If the protection order is only for the protection of a child or children, please answer this Part for the parents or guardians of the children.

Spouses may be separated even if they continue to live in the same residence [Family Law Act s. 3(4)].

A family member is a defined term under s. 1 of the Family Law Act. For more information about who is a family member, see the guidebook.

11. The protected party **currently shares a residence** with the other party ❑ **Yes** ❑ **No**

Children

12. *Select whichever option is correct and complete the required information*

- ❑ The protected party and the other party are a **parent, step-parent or guardian only to the child(ren)**, if any, identified **in Part 2** of this schedule.
- ❑ The protected party and the other party are a **parent, step-parent or guardian** to the following child(ren) who is/are **not identified in Part 2** of this schedule:
  Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**My relationship to the child**	**Other party's relationship to the child**	**Child is currently living with** (name of person)

A child may split their time between two residences. If a child spends at least 40% of their time living somewhere, include both.

About the family

13. I would like to share the following information with the court about the **cultural, linguistic, religious and spiritual upbringing and heritage of my family**, including, if the child is an Indigenous child, the child's Indigenous identity:

You may choose to leave this question blank

Court orders and agreements

14. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

❑ **Yes (see attached copy)** ❑ **No**

15. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes (see attached copy)** ❑ **No**

16. Has the other party ever **failed to obey a court order**?

❑ **Yes** → describe the circumstances:

❑ **No**

❑ **Unknown**

17. I am concerned the other party **may not obey a court order**

❑ **No**

❑ **Yes** → explain the reason(s) for your concerns:

Reporting safety concerns

18. I have **reported** my safety concerns **to the police**

❑ **No**

❑ **Yes** → describe what actions they have taken:

19. I have **reported** my safety concerns **to a social worker** (Ministry of Children and Family Development)

❑ **No**

❑ **Yes** → describe what actions they have taken:

Include any order (interim or final), agreement or plan from any level of court and any location.

If yes, you must attach a copy of any order, agreement or plan to this application for filing.

You will be asked to describe specific incidents that police attended in a later part of this form.

If there is reason to believe a child (under 19) is being abused, neglected, sexually exploited, or is otherwise in need of protection, and a parent or guardian is unable or unwilling to protect the child, the matter must be reported to a social worker at the Ministry of Children and Family Development.

History of family violence

20. Describe any **recent incidents of family violence against the protected party/parties and any child(ren)**.

Start with the most recent incident continuing backwards. Go back as far as you think is important for the court to know.

If there is a police report, medical report or doctor's note, or any photographs related to an incident, you must talk about them in this section. Refer to the document, state it is attached as an exhibit and attach them as exhibits.

For more information about what information you should include, see the guidebook.

Remember to attach a copy of any exhibit(s) when you file your application.

Each exhibit gets a letter assigned to it, starting with 'A' and continuing through the alphabet. For example, the police report attached as Exhibit A.

To add more, select the box below and attach a page with the additional information

❑ **Additional page(s) (see attached)**

If you need more space, select the box, and remember to include your additional page(s).

Risk of family violence

There are different circumstances that may make a person or relationship more at-risk for family violence. These circumstances may contribute to family violence but may not be the cause of family violence. It is helpful for the court to be aware of these circumstances.

A person whose safety and security is, or is likely, at risk from family violence carried out by a family member is an at-risk family member [s.182 Family Law Act].

21. I am concerned about the **mental health** of the protected party and/or the other party

- ❑ **No**
- ❑ **Yes** → explain the reason(s) for your concerns:

22. Are there **circumstances** you want to share about a party or the relationship **that may increase the risk of family violence**?
Circumstances may include risk factors such as substance misuse, employment or financial stress, history of violence, and vulnerabilities including pregnancy, age, family circumstances, health or economic dependence

- ❑ **No**
- ❑ **Yes** → please describe the circumstances:

For more information about risk factors for family violence, see the guidebook or s.184 of the Family Law Act.

The court may make a protection order if the court determines that family violence is likely to occur, and the other family member is an at-risk family member [s.183 Family Law Act].

23. Is there any family violence **you fear is likely** to happen or **concerns for the safety** of the protected party/parties that you have **not already described** in this affidavit?

- ❑ **No**
- ❑ **Yes** → please describe the circumstances:

Sworn or affirmed before me
at _____, British Columbia
City
on _____
Date

A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

Signature

This document must be signed only with a commissioner for taking affidavits. A commissioner is available at the court registry for free. **Do not sign** the document until they tell you to. You will sign it with them.

Schedule 2 | Change Existing Protection Order

Complete this schedule only if you have an existing protection order that you are applying to change.

An application to change an existing protection order must be made before the expiry of the order that is the subject of the application [s. 187 Family Law Act].

A person can make a subsequent application for a protection order after an existing order has expired [s. 187 Family Law Act].

Part 1 | Existing protection order

You must attach a copy of the existing protection order to this application for filing.

1. ❑ There is a **protection order made on** _____ (dd/mmm/yyyy) that I am applying to change **(see attached copy of order)**.

2. **I am** the:
   Select all options that apply
   ❑ Protected party
   ❑ Parent or guardian of a protected party
   ❑ Person who the protection order is against

3. *Select only one of the options below and complete the requested information*
   ❑ I was **in court** when the protection order was made
   ❑ I was **not in court** when the protection order was made because:
   Explain why you were not in court when the protection order was made

Part 2 | About the protection order

The court can shorten or extend the expiration date of a protection order or change any term in it.

4. I am applying for the existing protection order to be **changed as follows**:

Part 3 | The facts

5. The **facts** on which this application is based **are as follows**:
   Explain why the order needs to be changed and the facts you want the court to consider

Schedule 3 | Terminate Existing Protection Order

Complete this schedule only if you have an existing protection order that you are applying to terminate.

An application to cancel an existing protection order must be made before the expiry of the order that is the subject of the application [s. 187 Family Law Act].

A person can make a subsequent application for a protection order [s. 187 Family Law Act].

Part 1 | Existing protection order

You must attach a copy of the existing protection order to this application for filing.

1. ❑ There is a **protection order made on** _____ that I am applying to terminate **(see attached copy of order)**.
   (dd/mmm/yyyy)

2. **I am** the:
   Select all options that apply
   ❑ Protected party
   ❑ Parent or guardian of a protected party
   ❑ Person who the protection order is against

3. *Select only one of the options below and complete the requested information*
   ❑ I was **in court** when the protection order was made
   ❑ I was **not in court** when the protection order was made because:
   Explain why you were not in court when the protection order was made

Part 2 | The facts

4. The **facts** on which this application is based **are as follows**:
   Explain why the order should be terminated and the facts you want the court to consider

COURT STAMP

Form 13

Provincial Court Family Rules
Rule 70

Registry location:

Court file number:

Protection Order

- ❑ **By Consent**
- ❑ **Without Notice**

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

BEFORE [THE HONOURABLE JUDGE *[name of judge]*] ON *[date]*

ON THE APPLICATION of *[full name of party making the application]*;
AND
THIS MATTER COMING before the court at a *[appearance type]* at *[court location]* on *[date]*

Persons appearing:		Lawyer:	
		Lawyer:	

THIS COURT ORDERS THAT:

[specify terms of the protection order under Part 9 of the Family Law Act]

Checked by:

Dated _____ _____

By the Court

Initials

DISOBEYING THIS ORDER IS A CRIMINAL OFFENCE UNDER SECTION 127 OF THE CRIMINAL CODE PUNISHABLE BY FINE OR IMPRISONMENT

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, having reasonable and probable grounds to believe that the person against whom this order is made has contravened a term of this order may take action to enforce the order, whether or not there is proof that the order has been served on the person and, if necessary, may use reasonable force. Enforcement action may include arresting the person against whom this order is made without warrant in accordance with section 495 of the *Criminal Code*.

AND TAKE NOTICE THAT unless the court orders otherwise in relation to this order, this order expires one year after the date it is made.

COURT STAMP

Form 14

Provincial Court Family Rules
Rule 73

Registry location:

Court file number:

Order Terminating a Protection Order

❑ **By Consent**
❑ **Without Notice**

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

BEFORE [THE HONOURABLE JUDGE *[name of judge]*] ON *[date]*

ON THE APPLICATION of *[full name of party making the application]*;
AND
THIS MATTER coming before the court at a *[appearance type]* at *[court location]* on *[date]*

Persons appearing:		Lawyer:	
		Lawyer:	

THIS COURT ORDERS THAT:

[The order to terminate a protection order must identify the judge by whom and the date on which the order was made, as well as the effective date of the termination.]

(specify terms of the order)

Checked by:

Dated _____ _____

By the Court

Initials

Note: This order will be sent to the Protection Order Registry to advise them to remove the terminated protection order from their registry.

Application About Priority Parenting Matter

Form 15

Provincial Court Family Rules
Rules 2, 76, 77 and 78

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application About Priority Parenting Matter sets out the details of an order about a priority parenting matter that a person is applying for.

Please read before completing the form:

- You must complete the main part of this application and any applicable schedule for your application identified in Part 5 of the main application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

If you also need an order about long-term parenting arrangements, including parental responsibilities and parenting time, you must also complete an Application About a Family Law Matter Form 3.

Part 1 | About the parties

1. **My full name** is: _____
   Full name of party

   My **date of birth** is: _____
   (dd/mmm/yyyy)

2. The **other party's full name** is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____

   ❑ There is an additional party.
   The **additional party's** full name is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____

The other party is any other parent or guardian of the child(ren).

If you need to add another party or need more space for any field on this form, you can attach a separate piece of paper to this application that includes the information.

Part 2 | Information about children

3. This application is about the following child(ren):

Child's full name	Child's date of birth (dd/mmm/yyyy)	My relationship to the child	The other party's relationship to the child

Part 3 | Notice of the application

4. ❑ I understand **I must give notice** of this application to all parents and guardians of the child(ren) this application is about. They are the other party/parties.
   To give notice, the other party must be served with the application at least 7 days before the date set for the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.

5. *Select only one of the options below*
   - ❑ I am applying with **at least 7 days' notice** to the other party.
   - ❑ I would like to apply **without notice** to the other party. I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive the requirement for notice of this application.
   - ❑ I would like to apply **with less than 7 days notice** to the other party. I am also filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to modify the requirement for at least 7 days' notice to the other party.
   - ❑ I have a **court order that allows** the application to be made **without notice or with less than 7 days' notice**.

For more information about serving court documents and making an application without notice or with short notice, see the guidebook.

If applicable, you must file an Application for Case Management Order Without Notice or Attendance Form 11.

If requested, the judge will decide if an application may be made without notice, if notice must be given, or if the notice period should be shortened.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ **at** _____ **a.m./p.m.**

date time

❑ in person at _____

court location

❑ by another method of attendance, as specified _____

attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 5 | About the priority parenting matter

6. ❑ I am **applying for an order about** the following priority parenting matter(s):

Select all options that apply

- ❑ giving, refusing or withdrawing consent, by a guardian, to medical, dental, or other health-related treatments for a child, because delay will result in risk to the child's health
- ❑ applying, by a guardian, for a passport, licence, permit, benefit, privilege or other thing for a child, because delay will result in risk of harm to the child's physical, psychological or emotional safety, security or well-being
- ❑ applying, by a guardian, for travel with a child or participation by a child in an activity because consent to the travel or activity is required and is alleged to have been wrongfully denied
- ❑ relating to change in location of a child's residence, or a guardian's plan to change the location of a child's residence because no written agreement or order respecting parenting arrangements applies in respect of the child, and the change of residence can reasonably be expected to have a significant impact on the child's relationship with another guardian
- ❑ relating to the removal of a child under section 64 of the *Family Law Act*
- ❑ determining matters relating to interjurisdictional issues under section 74(2)(c) of the *Family Law Act*
- ❑ relating to the alleged wrongful removal of a child under section 77(2) of the *Family Law Act*
- ❑ relating to the return of a child alleged to have been wrongfully removed or retained under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on October 25, 1980
- ❑ applying for an order under section 45 *[orders respecting parenting arrangements]* or 51 *[order respecting guardianship]* of the *Family Law Act* in one of the following circumstances:
  - i. the child to whom the order relates has been removed under section 30 *[removal of child]*, 36 *[interim supervision order no longer protects the child]* or 42 *[enforcement of supervision order after the protection hearing]* of the *Child, Family and Community Service Act* and a director under that Act has advised that the order will allow for a child to be returned to the applicant;
  - ii. a director under the *Child, Family and Community Service Act* has advised that the child to whom the order relates will be removed under section 30, 36 or 42 of that Act unless the order is made;

➜ *Complete* ***Schedule 1*** *and if you are applying for guardianship,* ***Schedule 2***

A priority parenting matter is not the same as a family law matter that needs to go to court on an urgent basis [Rule 2].

For more information about priority parenting matters and how to apply for a family law matter on an urgent basis, see the guidebook.

If you are applying for a priority parenting matter order about:

- parenting arrangements or guardianship of a child because the child has been removed or is at risk of removal, you must get the Director to complete Schedule 1 before filing the application
- guardianship of a child, you must complete Schedule 2

Part 6 | Details of the order

7. The **details of the order** I am applying for are as follows:
List the specific details of the order(s) you are asking for

Part 7 | The facts

8. The **facts** on which this application is based **are as follows**:
Provide a summary of the facts you want the court to consider. Include why you are making the application and why the order you are requesting should be made.

If you choose to, you can prepare an Affidavit – General in Form 45 to provide evidence in writing to support your application.

You can also give spoken evidence in court.

To add more, select the box below and attach a page with the additional information

❑ **Additional page(s) (see attached)**

If you need more space, select the box, and remember to include your additional page(s).

Part 8 | Existing orders and agreements

9. There is an existing written agreement or court order about the child(ren) concerning parenting arrangements, child support, contact with a child, or guardianship.

❑ **Yes** **(see attached copy)** ❑ **No**

If yes, you must attach a copy of any order, agreement or plan to this application for filing.

10. I know the following **information about any court proceeding** that is pending or that has been initiated about parenting arrangements, contact with a child, guardianship of a child, or protection of a child who is the subject of this application:

If there is no pending or ongoing court proceeding, that you know of, in this court or another court or jurisdiction, you may leave this section blank

Include any order (interim or final), agreement or plan from any level of court and any location.

Part 9 | Filing location

11. I am filing this application **in the court registry**:

Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a court file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Permitted by **court order**

A child protection case involving the director is different than a family law case.

If you have an existing child protection case, a different court file number will be assigned for this family law case.

Part 10 | Address for service

12. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For more information about how this information will be used and who will have access to it, see the guidebook.

Schedule 1 | Application for Order Respecting Parenting Arrangements or Guardianship

Complete this schedule only if you are applying for a priority parenting matter order under section 45 *[orders respecting parenting arrangements]* or 51 *[order respecting guardianship]* of the Family Law Act because the order will allow the child to be returned or placed with another person in accordance with the Child, Family and Community Service Act, or the child will be removed under section 30, 36 or 4 of that Act unless the order is made.

To be completed by a director under the Child, Family and Community Service Act

To get the schedule completed, contact the child welfare worker who is working with the child.

If you don't know how to reach the child welfare worker, contact the Provincial Centralized Screening team at any time for assistance at 1-800-663-9122 or 604-660-4927 (Lower Mainland and outside BC).

Provide the child welfare worker with a copy of the application so they can understand what you are applying for.

Part 1 | About the director and completion of the schedule

1. This information is provided on behalf of the director by:

Name:

Address:

City: Province: Postal Code:

Email: Telephone:

2. This schedule is being completed on: _____
Date (dd/mmm/yyyy)

3. The director under the *Child, Family and Community Service Act* can be served with this application at:

Name:

Address:

City: Province: Postal Code:

Email: Telephone:

Part 2 | About the children, parents, and child protection case

4. In the matter of the child(ren):

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

5. The parent(s) of the child(ren) is/are: _____
Full name of parent(s)

6. There is a court proceeding under the *Child, Family and Community Service Act* concerning the child(ren)

❑ **Yes**

Court Location:

File Number:

Date of next CFCSA proceeding:

❑ **No**

Part 3 | Priority parenting matter

7. ❑ I have been advised that _____ is applying for a priority parenting matter order under section 45 *[orders respecting parenting arrangements]* or 51 *[order respecting guardianship]* of the Family Law Act about a child to whom I have been providing services under the Child, Family and Community Service Act.

Insert the name of the party who is applying for an order about a priority parenting matter.

8. If granted, I believe the priority parenting matter order respecting parenting arrangements and/or guardianship of a child that is being applied for would likely allow the child(ren) to be returned to the applicant or prevent the removal of the child(ren) under the Child, Family and Community Service Act.

❑ **Yes** ❑ **No**

To apply for an order under section 45 or 51 of the Family Law Act as a priority parenting matter, the child must have been removed or be at risk of removal under s. 30, 36 or 42 of the CFCSA and if granted, the FLA order must, in your belief, enable the child to get out of care or keep them out of care.

9. I would like to share the following information with the court:

You may choose to complete this section or leave this section blank.
Please only share information that is needed by the court to understand why it is in the best interest of the child under section 4 of the Child, Family and Community Service Act to address this matter as a priority.
As per section 79 (a) of the Child, Family and Community Service Act, please only disclose information that is necessary to ensure the safety or well-being of a child.

To add more, select the box below and attach a page with the additional information

❑ **Additional page(s) (see attached)**

If you need more space, select the box and remember to include your additional page(s).

Schedule 2 | Application for Order Respecting Guardianship of a Child

Complete this schedule only if you are applying for a priority parenting matter order for guardianship of a child under section 51 [order respecting guardianship] of the Family Law Act because the order is needed to transfer a child from the care of the Director or to prevent the removal of a child under the Child, Family and Community Service Act.

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

Part 1 | Indigenous ancestry of child(ren)

1. Is the child or children **Indigenous**?

- ❑ **Yes** → *go to **next question***
- ❑ **No** → *Skip ahead to **Part 4***
- ❑ **Unknown** → *Skip ahead to **Part 4***

A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].

2. *Complete this question only if a child is Indigenous.*
If not, you may leave this question blank.
Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ❑ First Nation
- ❑ Nisga'a
- ❑ Treaty First Nation, including:
  - Tsawwassen First Nation
  - Maa-nulth First Nations:
    - Huu-ay-aht First Nations
    - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
    - Toquaht Nation
    - Uchucklesaht Tribe
    - Yuułuʔiłʔatḥ Government
  - Tla'amin Nation
- ❑ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ❑ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.

For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 2 | Guardianship affidavit and supporting documents

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child [s. 51 Family Law Act and Rule 26].

If a child is 12 years of age or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

To complete Form 5, you are required to attach the results from various record checks as exhibits.

The record checks must be initiated at the time of filing this application.

3. ❑ I understand that I am required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.

4. ❑ I have **initiated or completed a criminal record check** as required for the Guardianship Affidavit.

For more information about how to complete a record check, including where to find the forms, see the guidebook.

5. *Select only one of the options below*

- ❑ I am **filing the following required documents** along with this application:
  - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation*
  - a request, in the form provided by the registry, to search the protection order registry
- ❑ I am **not able to file the required documents** with this application.
  I am filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. I understand I will still be required to file the documents at a later date.

You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Application for Order Prohibiting the Relocation of a Child

Form 16

Provincial Court Family Rules
Rule 80

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for Order Prohibiting the Relocation of a Child sets out the details of an order prohibiting the relocation of a child that a person is applying for under section 69 of the Family Law Act.

An application prohibiting the relocation of a child under s. 69 of the Family Law Act must be filed within 30 days after receiving written notice that the guardian plans to relocate the child [s. 68 Family Law Act].

Please read before completing the form:

- This application is to be used only if a child's guardian plans to relocate themselves, the child, or both, and there is a written agreement or order respecting parenting arrangements or contact with the child applies to the child [s. 65 Family Law Act].
- If there is no written agreement or court order, you may apply for an order under s. 46 of the Family Law Act *[changes to child's residence if no agreement or order]* using an Application About a Priority Parenting Matter Form 15 or Application About a Family Law Matter Form 3 to determine the parenting arrangements for the child including the location of the child's residence.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties

1. My **full name** is:
Full name of party

My **date of birth** is:
(dd/mmm/yyyy)

2. The **other party's full name** is:
Their **date of birth** (dd/mmm/yyyy) is:

❑ There is an additional party.
The **additional party's** full name is:
Their **date of birth** (dd/mmm/yyyy) is:

The other party is any other parent or guardian of the child(ren).

Part 2 | Information about children

3. This application is about the following child(ren) that I am a guardian of:

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**Child is currently living with**

4. ❑ I understand that I must consider the **best interests of the child** with respect to each order I am asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [Family Law Act s. 37].

For more information about best interests of the child, see the guidebook.

Part 3 | Notice of the application

5. ❑ I understand **I must give notice** of this application to each other party, including any other person who may be directly affected by the order.
To give notice, they must be served with the application and supporting documents **at least 7 days before** the date of the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.

For more information about serving court documents, see the guidebook.

Part 4 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

on _____ **at** _____ **a.m./p.m.**

date time

❑ in person at _____

court location

❑ by another method of attendance, as specified _____

attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

The court must be satisfied that:

a) the proposed relocation is being made in good faith,
b) the relocating guardian has proposed reasonable and workable arrangements to preserve the relationship between the child and the child's other guardians, persons who are entitled to contact with the child, and other persons who have a significant role in the child's life, and
c) the relocation is in the best interests of the child.

Part 5 | About the order

6. ❑ I am applying for an order to prohibit the relocation of a child or children.

7. ❑ There is a written agreement or order respecting parenting arrangements referred to in section 65 of the Family Law Act made on _____ that applies to the child(ren) that are the subject of this application **(see attached copy of agreement or order)**.

Date (dd/mmm/yyyy)

You can make an application under s. 69 of the Family Law Act only if there is an existing written agreement or court order about parenting arrangements [s. 65 Family Law Act].

You must attach a copy of the agreement or order to this application for filing.

8. *Select only one of the options below and complete the required information*

❑ Notice of relocation was given to me on _____ **(see attached copy)**

Date (dd/mmm/yyyy)

❑ I did not receive written notice of relocation but became aware of the planned relocation on _____.

Date (dd/mmm/yyyy)

I understand the date of the relocation of the child(ren) to be _____ to _____.

Date (dd/mmm/yyyy) Location

I learned about the planned relocation:

Briefly explain how you found out about the planned relocation if you did not receive written notice

You must attach a copy of the notice of relocation, if applicable, to this application for filing.

Part 6 | Best interests of the child

9. I believe it is in the best interests of the child(ren) to prohibit the proposed relocation because:

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Part 7 | Filing location

10. I am filing this application **in the court registry**:

Select only one of the options below

- ❑ Where my **existing case** with the same party/parties is located. I already have a court file number.
- ❑ Closest to **where the child lives** most of the time, because my case involves a child-related issue
- ❑ Permitted by **court order**

Part 8 | Address for service

11. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

For more information about how this information will be used and who will have access to it, see the guidebook.

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

Application for a Family Law Matter Consent Order

Form 17

Provincial Court Family Rules
Rule 81

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application for a Family Law Matter Consent Order provides information to the court about the parties and the family law matter(s) they are requesting a consent order about without the parties' attendance at court.

Please read before completing the form:

- The parties must complete the main application and only the applicable schedule(s) identified in Part 4 of the main application. The parties are also required to draft a Consent Order Form 18 and submit it to the court with this application.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

An application for a consent order can be made at any time, including following consensual dispute resolution or mediation, or after filing an application about a family law matter and/or reply to an application about a family law matter with agreement to one or more orders applied for in the application.

Part 1 | About the parties

1. The following parties are applying for an order about a family law matter by consent:

	Full name of party	**Date of birth** (dd/mmm/yyyy)
Party 1:		
Party 2:		
Party 3:		
Party 4:		

Part 2 | Family law matter consent order

You may apply for an order about one or more family law matters by consent. An application for an order by consent is reviewed by a judge without the parties' attendance at court.

For each family law matter you are applying for a consent order about, you will need to provide different supporting documents. The documents you must provide will depend on:

- what type of family law matter order you need, and
- what information has already been filed with the court

Select each family law matter you want a consent order about and identify the supporting document(s) you will be relying on for this application. If the supporting document(s) is not already filed with the court, you will need to file it with this application.

The Reply Form 6 with agreement means a Reply to an Application About a Family Law Matter in Form 6 with agreement to one or more orders applied for in the application.

2. We are **applying for an order** about the following family law matter(s) **by consent**:

❑ **Parenting arrangements**, including parental responsibilities and parenting time

Identify the supporting document(s) you will be relying on for this application. Select only one option.

❑ Application About a Family Law Matter Form 3 about parenting arrangements and Reply Form 6 with agreement

❑ Schedule 1 of this application → *Complete **Schedule 1***

❑ **Child support**

Identify the supporting documents you will be relying on for this application. Select only one option.

❑ Application About a Family Law Matter Form 3 about child support and Reply Form 6 with agreement

❑ Schedule 2 of this application → *Complete **Schedule 2***

AND

- a Financial Statement in Form 4, or agreement as to income, for each party as required

If a Financial Statement or agreement as to income has not already been filed, you must file it with this application. See Schedule 2 for more information.

❑ **Contact with a child**
Identify the supporting document(s) you will be relying on for this application.
Select only one option.

❑ Application About a Family Law Matter Form 3 about contact with a child and Reply Form 6 with agreement

❑ Schedule 3 of this application ➞ *Complete* ***Schedule 3***

❑ **Guardianship of a child** - Appointing a **new guardian** or **cancelling guardianship** of a child
Identify the supporting documents you will be relying on for this application.
Select only one option.

❑ Application About a Family Law Matter Form 3 about guardianship of a child and Reply Form 6 with agreement

❑ Schedule 4 of this application ➞ *Complete* ***Schedule 4***

AND, *for each party applying to be appointed as a guardian of a child*

- a Consent for Child Protection Record Check
- a request to search the protection order registry
- acknowledgement in the Application, Reply or Schedule 4 that each required party has initiated a criminal record check

Note: Each party applying to be appointed as a guardian of a child or children must file a Guardianship Affidavit in Form 5 before the court can make a final order for guardianship of a child.

If the documents required to support a guardianship application have not already been filed, you must file them with this application. See Schedule 4 for more information.

❑ **Spousal Support**
Identify the supporting document you will be relying on for this application.
Select only one option.

❑ Application About a Family Law Matter Form 3 about spousal support and Reply Form 6 with agreement

❑ Schedule 5 of this application ➞ *Complete* ***Schedule 5***

AND

- a Financial Statement in Form 4, or agreement as to income, for each party

If a Financial Statement or agreement as to income has not already been filed, you must file it with this application. See Schedule 5 for more information.

❑ **Property division in respect of a companion animal**
Identify the supporting document(s) you will be relying on for this application.
Select only one option.

❑ Application About a Family Law Matter Form 3 about property division in respect of a companion animal and Reply Form 6 with agreement

❑ Schedule 6 of this application ➞ *Complete* ***Schedule 6***

3. ❑ A **draft Consent Order** Form 18 signed by each party, or their lawyer, is submitted with this application and supporting document(s) for review without attending before the court

You must also provide the court with a draft consent order along with this application and any supporting document(s).

IMPORTANT NOTE:

A judge considering an application for a family law matter consent order may do any of the following:

- approve and sign the consent order without the need for the parties to attend court
- ask the parties to provide more information or evidence, in writing or by attending court to give that information
- make changes to the draft consent order, and if the parties consent to the changes, require that the parties attend the registry to review and sign the changes
- reject the application with an explanation

Part 3 | Relationship between the parties

4. *Select each option that applies and provide the additional information as applicable. You may identify the parties using the party number from Part 1.*

❑ Party ____ and Party ____ are (or were) **spouses**. The parties were **married** or have **lived together** in a marriage-like relationship.

Complete the information below about the spousal relationship, as applicable. You may leave a field blank if it does not apply.

Date on which the parties began to live together in a marriage-like relationship (dd/mmm/yyyy): ____

Date of marriage (dd/mmm/yyyy): ____

Date of separation (dd/mmm/yyyy): ____

❑ The parties have never been spouses.

*Please **describe the relationship** between the parties*

____

> Spouses may be separated even if they continue to live in the same residence [s. 3(4) Family Law Act].

Part 4 | Identification of children

5. *Select the correct option below and provide the additional information if applicable*

❑ Our consent order is **not about a child** or children *(skip to **Part 5**)*

❑ Our consent order is about **the following child** or children:

Provide the requested information below for each child

Child's full name	**Child's date of birth** (dd/mmm/yyyy)	**Parties' relationship to the child** (example Party 1 mother; Party 2 father)	**Child currently living with** (name of person)

> A child's residence is usually where they live at least 40% of the time. If a child currently splits their time between two residences, include both.

6. ❑ We understand that we must consider the **best interests of the child** with respect to each order we are asking the court to make about the child. The "best interests of the child" is a legal test used to decide what would best protect the child's physical, psychological, and emotional safety, security and well-being [s. 37 Family Law Act].

> For more information about best interests of the child, see the guidebook.

Part 5 | Existing orders and agreements

7. There is an **existing court order or written agreement** about parenting arrangements, child support, contact with a child, guardianship of a child, spousal support, and/or property division in respect of a companion animal.

❑ **Yes** **(see attached copy)** ❑ **No**

> Include any order (interim or final), agreement or plan from any level of court and any location.

8. There is an **existing court order, agreement or plan protecting** one of the parties or the child(ren), or restraining contact between the parties, including:

- a protection order,
- an order, agreement or plan involving child protection services, or
- a peace bond, restraining order, bail condition or other criminal order.

❑ **Yes** **(see attached copy)** ❑ **No**

> If yes, you must attach a copy of any order, agreement or plan to this application for filing.

Part 6 | Filing location

9. We are filing this application in the court registry:

Select only one of the options below

❑ Where the **existing case** with the same party/parties is located. We already have a court file number.

❑ Closest to **where the child lives** most of the time, because our case involves a child-related issue

❑ Closest to **where we live** because the case does not involve a child-related issue

❑ Permitted by **court order**

> Rule 7 sets out these requirements for which registry to use.
>
> Talk to the court registry to see if there is already an existing case at a court location.

Part 7 | Address for service

10. The parties' **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to. Select the party/parties to whom the address applies and complete the fields.

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

❑ Party 1 ❑ Party 2 ❑ Party 3 ❑ Party 4

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

Schedule 1 | Parenting Arrangements

Complete this schedule only if you are applying for a consent order about parenting arrangements, including parental responsibilities and parenting time.

Part 1 | Guardian of the child

1. *Select the option that applies to your situation*

Party 1 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 2 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 3 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Party 4 is: ❑ the **child's guardian** ❑ **applying to be appointed** as the child's guardian

Note: If a party is applying to be appointed as the child's guardian, the order must be requested in Part 2 of the main application and the supporting document(s) identified must be provided.

Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 39 Family Law Act].

For information about who is a guardian of a child, see the guidebook.

Part 2 | Order about parenting arrangements

Parenting arrangements include how each guardian of a child will parent their child(ren), including each guardian's responsibilities for decision making about a child (parental responsibilities), and the time each guardian spends with a child (parenting time).

Guardians can arrange parental responsibilities and parenting time in any way that is in the best interests of the child.

The court can make orders under Division 2 [Parenting Arrangements] of Part 4 [Care of and Time with Children] of the Family Law Act.

2. We are applying for a **consent order about parental responsibilities** as follows:
List the details of the order you are asking for. You may leave this question blank.

Parental responsibilities can be set up so they can be exercised by:

- One or more guardians only,
- Each guardian acting separately, or
- All guardians acting together.

[s. 40 Family Law Act]

3. We are applying for a **consent order about parenting time** as follows:
List the details of the order you are asking for. You may leave this question blank.

4. We are applying for a consent order about

- the **implementation of an order** about parenting arrangements made under the Family Law Act, or
- the **means for resolving disputes** about an order about parenting arrangements made under the Family Law Act,

as follows:
List the details of the order you are asking for. You may leave this question blank.

Part 3 | Best interests of the child

5. We believe the parenting arrangements we consent to, including parental responsibilities and parenting time, are in the **best interests of the child(ren)** because:

List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about parenting arrangements.

For more information, see the guidebook.

Schedule 2 | Child Support

Complete this schedule only if you are applying for a consent order about child support and/or special or extraordinary expenses for the child or children.

Part 1 | About the payor

1. The **payor** is:

- ❑ a parent or guardian of the child(ren)
- ❑ a person standing in the place of a parent to the child(ren) (for example, a step-parent)
- ❑ other *(specify)*:

A child has the right to be supported by both parents, whether the parents ever lived together, or the parent has ever lived with the child.

Other guardians and stepparents may also be responsible for paying child support [s. 147 Family Law Act].

Part 2 | Current circumstances

2. The **current support arrangements** are as follows:

3. The child(ren) **currently spend time** with each party as follows:

4. *Select only one of the options below*

- ❑ Each child we are applying for an order for child support for is **under 19 years** of age
- ❑ The following child(ren) is/are **19 years of age or older** and need(s) child support because of illness, disability, or because they are a full-time student:

Full name of child	Reason for child support Select the applicable option		
	❑ illness	❑ disability	❑ student
	❑ illness	❑ disability	❑ student

A child, for the purposes of child support, includes a person who is over 19 years of age, and is unable because of illness, disability or another reason to obtain the necessities of life or withdraw from the charge of their parents [s. 146 Family Law Act].

Part 3 | Unpaid child support

5. *Select only one of the options below and complete the required information, as applicable*

- ❑ We agree there is **no unpaid child support** (arrears)
- ❑ We agree, as of *(date)* _____, the amount of **unpaid child Support** (arrears) is $ _____

6. *Complete only if there is unpaid child support. You may leave this question blank.*
We **consent** to the following arrangements **about the remaining unpaid child support** (arrears):

On application, a court may reduce or cancel unpaid child support that is owing (arrears) under an agreement or order about support if satisfied that it would be grossly unfair not to reduce or cancel the arrears [s. 174 Family Law Act].

The court may order that support be paid in different ways [s. 170 Family Law Act].

Part 4 | Order about child support

The amount of a child support order is usually the amount set out in the Federal Child Support Guidelines table according to the number of eligible children and the income of the spouse against whom the order is sought, and the amount, if any, determined for section 7 special or extraordinary expenses [s. 3 Federal Child Support Guidelines].

7. *Select each applicable option and complete the requested information*

- ❑ We consent to an order for ongoing **child support** to be paid by *(name of party)* _____ in the **monthly amount set out in the child support guidelines** for _____ *(number)* child(ren)
- ❑ We consent to an order for ongoing **child support** to be paid by *(name of party)* _____ in the monthly amount of $ _____ , which is **different from that required by the child support guidelines** because:
- ❑ We consent to an order for **special or extraordinary expenses** under section 7 of the child support guidelines. The following special or extraordinary expenses are included in our order for child support:
  List the expenses you are including

8. We agree child support payments should **start on** _____ **because**:
Date (dd/mmm/yyyy) or event

For more information about how to calculate the amount payable for child support, see the guidebook.

The court may order child support in an amount different from the guidelines if appropriate [s. 150 Family Law Act and s. 10 Child Support Guidelines].

For more information about what can be included as special or extraordinary expenses, see the guidebook.

Part 5 | Income information

The Financial Statement Form 4 is used to provide financial information to the court in support of an application for an order about child support.

Where both parties agree on the annual income of a party, the parties may instead file an agreement as to income and supporting income information described in section 21 of the Child Support Guidelines, for the court to consider [s. 15 (2) Child Support Guidelines].

Depending on your parenting situation and circumstances, one or both parties are required to provide financial information.

9. One or both parties are **required to provide income information** to the court by filing a Financial Statement in Form 4 or an agreement as to income with supporting income information.
Select only one of the options below

- ❑ We are **filing our financial information**, as required, with this application.
- ❑ We are **not able to file** a Financial Statement in Form 4 or agreement as to income as required with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the income information be provided with this application. We understand we will still be required to file the income information at a later date.

IMPORTANT NOTE:

This consent order application includes a request for an order about child support. **Each party, as applicable, must provide financial information with this application** by completing and filing a Financial Statement in Form 4 or an agreement as to income and income information.

Child support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may impute income [ss. 15 to 25 Child Support Guidelines].

For more information about who is required to provide financial information and how it can be provided, see the guidebook.

You must file a Financial Statement Form 4, Agreement as to Income, or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 3 | Contact with a child

Complete this schedule only if you are applying for a consent order about contact with a child.

Part 1 | Order about contact with a child

1. We consent to the child(ren) having **contact <u>with a person who is not their guardian</u>** as follows:

The court may grant contact to a person who is not a guardian, including to a parent or grandparent [s. 59 Family Law Act].

The person seeking contact with a child must be one of the parties.

The court may make an order about contact with a child, including describing the terms and form of contact [s. 59 Family Law Act].

The order may require the parties to transfer the child under the supervision of, or require contact with the child to be supervised by, another person [s. 59 Family Law Act].

Part 2 | Best interests of the child

2. We believe the contact with a child that we consent to is in the **best interests of the child(ren)** because:
List your reasons

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about contact with a child.

For more information, see the guidebook.

Schedule 4 | Guardianship of a child | Appointing a guardian or terminating guardianship

Complete this schedule only if you are applying for a consent order to appoint a new guardian for a child or to cancel an existing guardian's guardianship of a child.

Please read before completing this schedule:

Anyone who wants to become a guardian can apply, including a parent who is not a guardian or anyone else (even if they are not related to the child) [s. 51 Family Law Act]. Only a guardian may have parental responsibilities and parenting time with respect to a child [s. 40].

The Family Law Act provides that while a child's parents are living together and after the child's parents separate, each parent will continue to be the child's guardian and will have parental responsibilities with respect to the child [ss. 39 and 40]. This does not mean that parents must have equal responsibility for a child.

An agreement or order about parenting arrangements can give parental responsibilities to one or more guardians only, each guardian acting separately, or all guardians acting together [s.40]. You can use Schedule 1 to apply for an order about parenting arrangements.

In some cases, it may not be appropriate for a parent or guardian to remain a guardian. An agreement or order can provide that a parent is not the child's guardian [s.39].

Usually, a child's parent is also the child's guardian, but not always. For more information about who is a guardian, see the guidebook.

Part 1 | Order about guardianship

1. *Select each option that applies*

❑ We consent to **appoint the following person as a guardian** of the child(ren):

Full name of party/parties

❑ We consent to **terminate following person's guardianship** of the child(ren):

Full name of party/parties

The court may appoint a person as a child's guardian or terminate a person's guardianship of a child [s. 51 Family Law Act].

Part 2 | Best interests of the child

2. We believe the consent order about guardianship of a child is in the **best interests of the child(ren)** because:
List your reasons

If a child is 12 or older, the court must not appoint a person other than a parent as the child's guardian without the child's written approval, unless satisfied it is in the child's best interests [s. 51 Family Law Act].

To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered including the factors set out in s. 37 of the Family Law Act.

The parties and the court must consider the best interests of a child when making a decision about guardianship of a child.

For more information, see the guidebook.

Part 3 | Indigenous ancestry of child(ren)

3. Is the child or children **Indigenous**?

- ❑ **Yes** → *go to **next question***
- ❑ **No** → *Skip ahead to **Part 4***
- ❑ **Unknown** → *Skip ahead to **Part 4***

4. *Complete this question only if a child is Indigenous.*
If not, you may leave this question blank.
Please select the option below that best describes the **child(ren)'s Indigenous ancestry**:

- ❑ First Nation
- ❑ Nisga'a
- ❑ Treaty First Nation, including:
  - Tsawwassen First Nation
  - Maa-nulth First Nations:
    - Huu-ay-aht First Nations
    - Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
    - Toquaht Nation
    - Uchucklesaht Tribe
    - Yuułuʔiłʔatḥ Government
  - Tla'amin Nation
- ❑ the child is under 12 years of age and has a biological parent who is of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous
- ❑ the child is 12 years of age or older, of Indigenous ancestry, including Métis and Inuit, and self-identifies as Indigenous

IMPORTANT NOTE ABOUT A NISGA'A OR TREATY FIRST NATION CHILD:

If the child is a Nisga'a or Treaty First Nation child, you **must serve** the Nisga'a Lisims Government or the Treaty First Nation to which the child belongs with notice of this application as described in section 208 or 209 of the Family Law Act.

To serve them notice, they must receive a copy of this application.

A guardian's parental responsibilities include making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity [s. 41 Family Law Act].

For more information about serving Nisga'a Lisims Government or the Treaty First Nation to which the child belongs, see the guidebook.

Part 4 | Guardianship affidavit and supporting documents - Complete this part only if you are applying to be appointed as a guardian

A party applying to be appointed as a guardian of a child must provide the court with evidence using the Guardianship Affidavit in Form 5 respecting the best interests of the child regardless of whether there is consent to the application [s. 51 Family Law Act and Rule 26].

5. ❑ We understand that each person applying to be appointed as a guardian of a child is required to **file a Guardianship Affidavit** in Form 5 as described in Rule 26 **before the court can make a final order** about guardianship.

6. ❑ A **criminal record check has been initiated or completed** for each person applying to be appointed as a guardian as required for the Guardianship Affidavit.

7. *Select only one of the options below*

- ❑ We are **filing the following required documents** along with this application:
  - a Consent for Child Protection Record Check in Form 5 under the *Family Law Act Regulation* for each person applying to be appointed as a guardian of a child
  - a request, in the form provided by the registry, to search the protection order registry, for each person applying to be appointed as a guardian of a child
- ❑ We are **not able to file the required documents** with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the documents be filed with this application. We understand we will still be required to file the documents at a later date.

To complete Form 5, you are required to attach the results from various record checks as exhibits.
The record checks must be initiated at the time of filing this application.

For more information about how to complete a record check, including where to find the forms, see the guidebook.

You must file a consent and request for record check or an Application for Case Management Order Without Notice or Attendance Form 11.

Schedule 5 | Spousal Support

Complete this schedule only if you are applying for a consent order about spousal support.

Part 1 | Entitlement to spousal support

1. We believe there is **entitlement to spousal support** for the following reason(s):
Select all options that apply

- ❑ To recognize **economic advantages or disadvantages** to the spouses arising from the relationship or breakdown of the relationship
- ❑ To share the **financial consequences** arising from caring for the children during the relationship, beyond the duty to provide support for the child
- ❑ To **relieve economic hardship** of the spouses arising from the breakdown of the relationship
- ❑ To help each spouse **become financially independent** within a reasonable period

If after considering the objectives set out in section 161 of the Family Law Act, a spouse is entitled to support, the other spouse has a duty to provide support [s. 160 Family Law Act].

Part 2 | Current support

2. The **current support** arrangements are as follows:

The court must take into consideration the conditions, means, needs and other circumstances of each spouse when determining spousal support [s. 162 Family Law Act].

Part 3 | Order about spousal support

3. We consent to an **order for spousal support** to be paid by *(name of paying party)* as follows:

- ❑ **Monthly payments** of $ to commence on *(date)* until *(date)*
- ❑ **Lump sum** payment of $
- ❑ **Other** *(specify)*:

The court may order a spouse to pay an amount the court considers appropriate as spousal support after taking into consideration section 160 [duty to provide support for entitled spouse] [s. 165 Family Law Act].

The order may include when and how payments are to be made [s. 170 Family Law Act].

Part 4 | Income and earning potential information

4. We are **required to provide income information** to the court by filing a Financial Statement in Form 4 or an agreement as to income with supporting income information.
Select only one of the options below

- ❑ We are **filing our financial information**, as required, with this application.
- ❑ We are **not able to file** a Financial Statement in Form 4 or agreement as to income as required with this application.
  We are filing an Application for Case Management Order Without Notice or Attendance in Form 11 requesting to waive or modify the requirement that the income information be provided with this application. We understand we will still be required to file the income information at a later date.

Spousal support is based in part on income. If a party's income information is necessary, they have an obligation to provide information to the court, or the court may attribute income in an amount the court considers appropriate [ss. 212 and 213 Family Law Act].

You must each file a Financial Statement Form 4 or Agreement as to Income, or an Application for Case Management Order Without Notice or Attendance Form 11.

IMPORTANT NOTE:

This consent order application includes a request for an order about spousal support. **Each party must provide financial information with this application** by completing and filing a Financial Statement in Form 4 or an agreement as to income and income information.

Schedule 6 | Property division in respect of a companion animal

Complete this schedule only if you are applying for a consent order about property division in respect of a companion animal.

Part 1| Order about property division in respect of a companion animal

1. We consent to a **property division order for sole ownership and possession of the companion animal(s)** as follows:

Name of companion animal	Type of animal	To [party] Select one option for each animal	
		❑ Party 1	❑ Party 2
		❑ Party 1	❑ Party 2
		❑ Party 1	❑ Party 2
		❑ Party 1	❑ Party 2

Under section 97 of the Family Law Act, the court may only make an order for ownership and possession of a companion animal **by one spouse.**

Part 2 | The facts

2. The **facts** on which this application is based **are as follows**:
Provide the facts you want the court to consider and why the court should make the order you are applying for

In determining whether to make an order respecting a companion animal, the court must consider the following factors set out in section 97 (4.1) of the Family Law Act:

- the circumstances in which the companion animal was acquired
- the extent to which each spouse cared for the companion animal
- any history of family violence
- the risk of family violence
- a spouse's cruelty, or threat of cruelty, toward an animal
- the relationship that a child has with the companion animal
- the willingness and ability of each spouse to care for the basic needs of the companion animal
- any other circumstances the court considers relevant

COURT STAMP

Form 18

Provincial Court Family Rules
Rules 81 and 83

Registry location:

Court file number:

Consent Order

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party 1]

AND

[full name of party 2]

BEFORE [THE HONOURABLE JUDGE *[name of judge]* or *[name of family justice manager]*] ON *[Month Day, Year]*

ON THE APPLICATION of *[full name of persons applying for an order by consent]* BY CONSENT;
AND

- ❑ ON THE COURT DETERMINING THAT attendance at court is not required
- ❑ THIS MATTER COMING before the court at a *[appearance type]* at *[court location]* on *[Month Day, Year]*

Persons appearing:		Lawyer:	
		Lawyer:	

(For parenting arrangements, child support orders, contact with a child and guardianship of a child, include the following:)
On the court being advised that the name and date of birth of each child is:

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

(*if applicable*) On the court also being advised that *[full name of party 1]* and *[full name of party 2]* is/are guardian(s) of the [child/children named above][*[name(s) of child/children and date(s) of birth if this list is different than above]*].

(if applicable) THIS COURT ORDERS THAT:

(Specify terms of orders for parenting arrangements, contact with a child or guardianship of a child)

(*For child support orders, include the following:*)
[full name of party] (the payor) having been found to be a resident of *[province/territory or country if outside of Canada]* and to have an annual income of $*[annual income of payor]* (*if an agreement as to income was filed, include the following:*) as agreed to by the parties.

(*if applicable*) *[full name of party]* (the recipient) having been found to be a resident of *[province/territory or country if outside of Canada]* and to have an annual income of $*[annual income of recipient]* (*if an agreement as to income was filed, include the following:)* as agreed to by the parties.

(*For child support orders in the child support table amount include the following:*)

THIS COURT ORDERS THAT:

pursuant to the *Family Law Act* and the *[province/territory]* Child Support Table, *[full name of party]* (the payor) will pay to *[full name of party]* (the recipient) the sum of $..... per month for the support of the child(ren) *[name(s) of child/children and date(s) of birth]*, payable on the ..... day of each month, commencing .....[*dd/mmm/yyyy*]..... and continuing for as long as the child(ren) is/are eligible for support under the *Family Law Act or until further order of the court*.

(*For child support orders in other amounts*)

(*If applicable*) THIS COURT ORDERS THAT:

(*specify other terms of the order*)

Each party [and person directly affected by the order] consents to the Court making this order:

[*A signature line in the following form must be completed and signed by or for each approving party.*]

_____

Signature of [type or print name],

[ ] party [ ] lawyer for [name of party/parties]

_____

Signature of [type or print name],

[ ] party [ ] lawyer for [name of party/parties]

_____

Signature of [type or print name],

[ ] party [ ] lawyer for [name of party/parties]

_____

By the Court

Written Response to Application

- ❑ for case management order
- ❑ about a protection order
- ❑ about a priority parenting matter
- ❑ about prohibiting relocation of a child
- ❑ for order under the *Family Maintenance Enforcement Act*
- ❑ about enforcement

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

Form 19

Provincial Court Family Rules
Rules 86, 137, 142.1

This Written Response to Application provides notice to each party, and the court, of a party's reply to an application.

Please read before completing the form:

- You can use this form to file a written response to an application. You must still attend court. It is used in addition to, not in place of, attending court.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | About the parties

1. **My full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The **other party's full name** is:
   Full name of party/parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Replying to an application

3. I am completing this written response **to reply to the application about**:
   Briefly describe the type of application

   made by *(name of person)*:
   Name of person who made the application

   on *(filed date)*:
   (dd/mmm/yyyy)

4. ❑ I understand to reply to the application **I must attend court** on the date and time for the court appearance referred to in the application **and I may file and serve** this written response on each other party before that date.

Part 3 | Agreement with order – Complete this part only if you agree to all or part of the order requested by the other party in their application. You may leave this part blank.

5. *Select the option that applies and complete the additional information, as applicable*
   - ❑ I **agree to the order** as requested by the other party
   - ❑ I **agree only to the following order term(s)** requested by the other party:
     Provide details of the order term(s) you agree to

6. I wish to provide the following **information to the court** about the application even though I agree:

Part 4 | Disagreement with order – Complete this part only if you disagree with all or part of the order requested by the other party in their application. You may leave this part blank.

7. *Select the option that applies and complete the additional information, as applicable*

- ❑ I **disagree with the order** as requested by the other party
- ❑ I **disagree only with the following order term(s)** as requested by the other party:
  Provide details of the order term(s) you disagree to

8. I **do not agree with the order requested** by the other party because:

9. I am **applying for the order to be made as follows**:
Provide the details of the order(s) about this issue that you want the court to make instead of what the other party has asked for

If you want an order about a different matter, including a family law matter, you must file your own application.

10. The **facts** on which this written response is based are as follows:
Provide the facts you want the court to consider when they are making a decision about the application, including why the order you are requesting should be made instead of the order the other party has asked for

If you choose to, you can prepare an Affidavit – General in Form 45 to provide evidence in writing to support your response.
You can also give spoken evidence in court.

If you need more space, select the box, and remember to include your additional page(s).

To add more, select the box below and attach a page with the additional information

❑ **Additional page(s) (see attached)**

Part 5 | Address for service

11. My **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

For more information about how this information will be used and who will have access to it, see the guidebook.

Notice of Exemption from Parenting Education Program

Form 20

Provincial Court Family Court Rules
Rule 39, 40, 94, 100, 102 and 103

COURT STAMP

Registry location:

Court file number:

Family ID:

Document number:
For registry use only

This Notice of Exemption from Parenting Education Program is used to show a party is exempt from completing a parenting education program requirement for an application about a family law matter.

Please read before completing the form:

- You must complete this form only if you are a party on an application about a family law matter in a family justice registry or parenting education program registry and you need **to show you are exempt** from completing a parenting education program.
- You **do not need to complete this form if** you completed a parenting education program in the 2 years before the date of the family management conference and the certificate of completion is filed on your case.
- Depending on your situation, you may be **automatically exempt** from the requirement to complete a parenting education program (complete Part 1 and 2), or you may **require approval to be exempt** (complete Part 1 and 3).
- **If you require approval**, you must submit the form with your request for an exemption to Family Justice Services Division before filing the completed form with the court registry.
- For information about how to complete the parenting education program requirement or to access a program, visit www.gov.bc.ca/parentingafterseparation.

A first court appearance cannot be scheduled on a family law matter until one of the parties files a certificate of completion or shows that they are exempt by filing this form, with approval of exemption from Family Justice Services Division, if applicable [Rules 37, 38 and 39].

Part 1 | Party information

My name is _____ . My date of birth is _____ .
Full name of party (dd/mmm/yyyy)

The **other party** in my case is _____ .
Full name of other party/parties

Part 2 | Automatic exemption (not required to complete program)

❑ I am **not required to complete** a parenting education program because:
Select each option that applies

- ❑ The **party** completing this notice **is government, a minister or a public officer**
- ❑ The application about a family law matter is for child support only and **the person who has rights to child support has assigned child support rights to the government** under the Employment and Assistance Act or the Employment and Assistance for Persons with Disabilities Act
- ❑ The application about a family law matter is only related to **spousal support and/or property division** in respect of a companion animal
- ❑ **Every child** involved in the family law matter **has reached 19 years of age**

If completion is not required in your case for one of the reasons listed above, file this form with the court registry. You do not need to complete any more of the form.

Rules 90(1), 91, 100(3) and 101 set out the circumstances in which the requirement to complete a parenting education program does not apply.

Part 3 | Request for exemption (required to complete program)

❑ I **request to be exempt** from completing a parenting education program for the following reason(s):

Select each option that applies

- ❑ I cannot access an online version
- ❑ The parenting education program is not available in a language I am fluent in
- ❑ I cannot complete the parenting education program because of literacy challenges
- ❑ I cannot complete the parenting education program because of a serious medical condition
- ❑ A consent order is filed that resolves all the issues involving children

If you are requesting to be exempt from completing a parenting education program for one of the reasons listed above, **your request must be approved** by a local manager, or designate, of the Family Justice Services Division **before filing this form with the court**.

To submit your request for approval, contact your local Family Justice Centre or Justice Access Centre. Contact information can be found at www.gov.bc.ca/family-justice-services-division.

Rules 94 and 100, set out the circumstances in which a local manager of the Family Justice Services Division, or designate, can exempt a party from the requirement to complete a parenting education program.

If you want to be exempt from completing a parenting education program, for any other reason, or having to meet the requirement before scheduling a family management conference, you must apply to the court using an Application for Case Management Order Without Notice or Attendance Form 11.

Party contact information

I can be reached by telephone at _____ by Family Justice Services Division if they need to get more information about my request.

I wish to be notified ❑ telephone ❑ email ❑ mail about the review of my request at:

Provide your contact information in the box below

FOR USE OF FAMILY JUSTICE SERVICES DIVISION ONLY

❑ Approved: _____ is exempt from the requirement to complete a parenting education course.

❑ Not approved: _____ must complete a parenting education course.

By: _____ Date: _____

Signature of Local Manager or Designate (dd/mmm/yyyy)

If your request is approved, file the completed form at the court registry.

If your request is not approved, you do not need to file this form. Instead, you must complete a parenting education course and file your certificate of completion.

Referral Request
Form 21

Provincial Court Family Court Rules
Rules 39, 95 and 96

COURT STAMP

Registry location:

Court file number:

Family ID:

Document number:
For registry use only

This Referral Request is a request to attend a family management conference, on one or more family law matter issues in the case, after having met the family justice registry requirements described in Rule 89(2).

Please read before completing the form:

This form is to be used only if:

- your case is in a family justice registry,
- you have completed your needs assessment (or are not required to complete a needs assessment), and
- you want to proceed to court to resolve your family law matter issue(s).

After the parties have filed a referral request and a party has demonstrated completion or exemption of a parenting education program, the registry must provide the parties with information about the procedure for scheduling a family management conference [Rule 96].

Part 1 | Party information

1. **My full name** is:
   Full name of party
2. The **other party's full name** is:
   Full name of party/parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Family justice registry requirements

3. I participated in a needs assessment, and:
   Select all options that apply
   - ❑ I did not seek further referral to any person, program or service
   - ❑ I completed a parenting education course, as required under Rule 94
   - ❑ I met with a child support officer
   - ❑ I participated in consensual dispute resolution with a family justice counsellor or family dispute resolution professional
   - ❑ other *(specify)*:

4. The following family law matters have been resolved:
   Select all options that apply
   - ❑ parental responsibilities
   - ❑ parenting time
   - ❑ child support
   - ❑ contact with a child
   - ❑ guardianship of a child
   - ❑ spousal support
   - ❑ property division in respect of a companion animal

5. *Select whichever option is correct*
   - ❑ A Reply to an Application About a Family Law Matter has been filed
   - ❑ The Application About a Family Law Matter has been served on each other party, proof of service has been filed, and the time limit for filing a reply has passed

FOR USE OF FAMILY JUSTICE SERVICES DIVISION ONLY

Confirmation of having met the needs assessment requirement:

_____ participated in a needs assessment as required, or was not required to participate, under Part 6 of the Rules.

By: _____ Date: _____
Signature of Family Justice Counsellor dd/mmm/yyyy

This form requires the signature of your family justice counsellor before filing. Contact information can be found at www.gov.bc.ca/family-justice-services-division.

Trial Readiness Statement

Form 22

Provincial Court Family Court Rules
Rule 110

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Trial Readiness Statement helps the parties and the court to plan for a trial.

Please read before completing the form:

- You must complete this form only if you are scheduled for a trial preparation conference or you were directed or ordered by the court to complete a Trial Readiness Statement.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

Part 1 | Parties and lawyers at trial

1. **My full name** is _____
   Full name of party

2. *Select whichever option is correct and provide the additional information, as applicable*
   - ❑ I **do not have a lawyer** for the trial
   - ❑ I will have the following **lawyer representing me** at the trial:
     _____
     Full name of lawyer

3. The **other party's full name** is: _____
   Full name of party/parties

4. *Complete only if applicable. You may leave this section blank.*
   The **lawyer for the child**(ren) is: _____
   Full name of lawyer

You must serve each other party with a copy of the trial readiness statement at least 7 days before the date of the trial preparation conference or as ordered by the court.

Part 2 | Issues for trial

5. The following issues are **to be decided at trial**:
   - ❑ Parental responsibilities
   - ❑ Parenting time
   - ❑ Child support
   - ❑ Contact with a child
   - ❑ Guardianship of a child
   - ❑ Spousal support
   - ❑ Property division in respect of a companion animal
   - ❑ Protection order
   - ❑ Priority parenting matter *(specify)*: _____
   - ❑ Relocation
   - ❑ Other *(specify)*: _____

Part 3 | Background information

6. Have you attended a family settlement conference?
   ❑ **Yes** ❑ **No**

7. Are there ongoing settlement discussions?
   ❑ **Yes** ❑ **No**
   ↳ ***If yes***, is there likelihood of resolution before the trial?
   ❑ **Yes** ❑ **No**

A family settlement conference is a type of court appearance [Part 8 - Provincial Court Family Rules].

8. There is an **existing court order** involving one or more of the parties, and/or the child(ren) about the following:
Select all options that apply

- ❑ Interim order about the issue to be determined at trial
- ❑ Order under the Child, Family and Community Service Act
- ❑ Supreme Court order under the Family Law Act or Divorce Act
- ❑ Section 183 Family Law Act protection order
  Expiry date: _____ (dd/mmm/yyyy)
- ❑ Section 810 Criminal Code peace bond
  Expiry date: _____ (dd/mmm/yyyy)
- ❑ Section 515 Criminal Code bail order
  Expiry date: _____ (dd/mmm/yyyy)
- ❑ Criminal Code probation order
  Expiry date: _____ (dd/mmm/yyyy)
- ❑ Other order that would affect the conduct of the trial *(specify)*: _____
- ❑ None of the above

For more information about these types of orders, see the guidebook.

Part 4 | Disclosure of information

9. *Please select the correct statement*

- ❑ The issue(s) to be determined at trial **do not include a support issue**
- ❑ My **financial information** on file with the court **is current**
- ❑ There have been **changes to my financial information** since I filed the Financial Statement

This part will help the court to understand what information needs to be shared between the parties to help get ready for the trial.

10. I have **provided each other party with a copy of the information I plan to rely on** during the trial, including financial information, documents, and a list of witnesses

❑ **Yes** ❑ **No**

↳ ***If no***, when can these be provided to the parties? _____

11. Is there any information you still need from the other party, including financial information, documents, or a list of witnesses?

❑ **Yes** ❑ **No**

↳ ***If yes***, please explain what information you need:

_____

Part 5 | Witnesses

12. I plan to have the following people **attend as witnesses** in this trial:
Include your own name on the list if you plan to provide evidence

Witness names:
(1) _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____

A witness must have direct knowledge of the things you want them to give evidence about. The evidence must also be relevant to the issues to be decided at trial.

13. Is there any witness or party travelling from another community to attend the trial?

❑ **Yes** ❑ **No**

14. Are there **expert reports**?

❑ **Yes** ❑ **No** ❑ **Unknown**

↳ ***If yes, please answer the following questions:***

(a) Has the report been provided to the other party?

❑ **Yes** ❑ **No**

(b) Will the expert be called as a witness at the trial to provide opinion evidence or to be asked questions?

❑ **Yes** ❑ **No** ❑ **Unknown**

Expert reports provide information to help the court. They are written by an expert who has special knowledge about a certain area because of their training, education and work experience.

15. Has a report been ordered for **views of the child** or **under section 211** of the Family Law Act including for the assessment of the needs of a child, the views of a child, and/or the ability and willingness of a party to satisfy the needs of a child?

❑ **Yes** ❑ **No**

↳ ***If yes, please answer the following questions:***

(a) Has the report been completed?

❑ **Yes** ❑ **No**

(b) Is there a court order requiring the person who prepared the report to attend the trial?

❑ **Yes** ❑ **No**

For more information about witnesses, expert reports and section 211 reports, see the guidebook.

16. I have **confirmed all my witnesses are available** for the trial date(s) **OR I have served them** with a Subpoena to Witness in Form 23:

❑ **Yes** ❑ **No** ❑ **Not applicable**, a trial date has not been scheduled

If you want a witness to give evidence at your trial, you must make sure they can come to your trial and are ready to give evidence.

Part 6 | Requirements and considerations

17. I have the following special requirements/considerations for the trial:

Select each option that applies and provide the additional information as required

❑ **Technology needs** *(specify)*:

❑ **Interpreter** for *(name of party or witness)*:

Language *(specify)*:

❑ **Safety planning**

Please explain your concerns or why you need a safety plan in place for the courtroom:

❑ **Trial accommodations**, such as allowing evidence by affidavit, video or telephone attendance, or other requested accommodations *(specify)*:

❑ **Accommodations for disability**, such as court room access and set up, audio aids, or other accommodations *(specify)*:

❑ I have **no special requirements or considerations** for the trial

There are resources available to support individuals at trial at no cost to the person.

Resource availability may be limited in some court locations so early identification and booking may be required.

For more information about bringing a support person with you to trial to provide emotional support, take notes, and help organize documents, see the guidebook.

Part 7 | About the trial

18. Has the trial been scheduled?

❑ **Yes** ❑ **No**

↳ ***If yes,*** the trial is scheduled for the following date(s):

(Month Day(s), Year)

19. *Select whichever statement is correct*

❑ I am (will be) **ready to start on the scheduled trial date**

❑ I **will not be ready to start on the scheduled trial date** because:
Explain why you will not be ready on the trial date

20. I believe this trial will take hours or days.

21. I have reviewed the witnesses I plan to call and the information I plan to rely on during trial when I calculated the amount of time needed for trial

❑ **Yes** ❑ **No**

Even if your trial has been scheduled, it is helpful if you give the court an estimate of how long you think the trial will take, especially now that you have done some planning. Consider the evidence you plan to present.

Note: A day of court time is approximately 5 hours.

Part 8 | Orders at the Trial Preparation Conference

22. *Complete only if applicable. You may leave this question blank.*
I will be asking for the following order(s) at the trial preparation conference:

At a trial preparation conference, a judge may make orders or directions [Rule 112]. The orders or directions are usually about how the trial will proceed or things that need to be done before the trial to get ready for it. The judge will be prepared to make some of these orders or directions without you asking, but if there is something specific you need, you can ask here.

Instructions for judicial case manager

To be completed by the Judge if required

To the Judicial Case Manager:

❑ Trial date(s) confirmed as scheduled

❑ Trial to be set for _____ hours or _____ days

Additional comments:

Date: Signature of Judge:

COURT STAMP

Form 23

Provincial Court Family Rules
Rule 118

Registry location:

Court file number:

Subpoena to Witness

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[Full name of party]

AND

[Full name of party]

Name: (WITNESS)

Address:

City: Province: Postal Code:

Email: Telephone:

You are required as a witness by and must attend court:

Full name of party

on Date (dd/mmm/yyyy) at Time a.m./p.m at Court location and address

You must bring with you to court the following records and other things relating to this case:

Select whichever option is correct

- ❑ The amount of $ is provided to you for use as travelling expenses to attend court
- ❑ Money for travelling expenses was offered but declined

If you do not attend court on the date and time above, the court may issue a warrant for your arrest.

If you believe that you are not required as a witness or it would be a hardship for you to attend court, you may apply to the judge to cancel the subpoena, with at least 2 days' notice to the party/parties of the date your application is scheduled before the court.

Date

Signature of person issuing subpoena

COURT STAMP

Form 24

Provincial Court Family Rules
Rule 119

Registry location:

Court file number:

Warrant for Arrest After Subpoena

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

To any Peace Officer in British Columbia

THIS COURT ORDERS you to arrest *[full name of person],*date of birth: *[dd/mmm/yyyy]*, of *[address]* and bring that person before a justice/judge as soon as possible.

The reason for the arrest is that the person was subpoenaed to be a witness in this case and did not attend court at *[court location]* on *[date].*

_____
Date

_____
By the Court or clerk on behalf of *[name of judge]*

Warrant executed

By:

Date:

COURT STAMP

Form 25

Provincial Court Family Rules
Rules 119, 149 and 151

Registry location:	
Court file number:	
BCFMA case ID:	

RELEASE FROM CUSTODY

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

Select whichever one of the following two statements is appropriate

I, *[full name of person being released]* promise to attend court at *[court registry, street address, city]* on *[date]* at *[time]* a.m./p.m.

My name and contact information as shown below on this release form are correct. I understand that if I do not attend court on the above date and time, the judge may issue a warrant for my arrest.

Full Name:		Date of Birth:
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

I, *[full name of person being released]* have made payment of $, the full amount required by the order under section 21(1)(e) of the *Family Maintenance Enforcement Act*.

My name and contact information as shown below on this release form are correct.

Full Name:		Date of Birth:
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Dated *[date]* at *[city]*, British Columbia

Signature of person being released	By the Court

Request to File an Agreement

Form 26

Provincial Court Family Rules
Rule 132

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Request to File an Agreement provides information about a written agreement that a person is filing under the Family Law Act in the Provincial Court. A written agreement that is filed in Provincial Court under the Family Law Act is enforceable under the Act as if it were an order of the Provincial Court.

Part 1 | About the parties

1. **My full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The full name of **other party to this agreement** is:
   Their **date of birth** (dd/mmm/yyyy) is:

   ❑ There is an additional party.
   The **additional party's** full name is:
   Their **date of birth** (dd/mmm/yyyy) is:

Part 2 | Request to file agreement

3. I **request to file a copy of the written agreement** dated, (dd/mmm/yyyy) between the above parties, in the Provincial Court.

4. I am filing the written agreement **under the following provision(s)** of the Family Law Act:
   Select all options that apply
   - ❑ section 15 *[when parenting coordinators may assist]*
   - ❑ section 44 (3) *[agreements respecting parenting arrangements]*
   - ❑ section 58 (3) *[agreements respecting contact]*
   - ❑ section 92 (e), (f) and (g) *[agreements respecting property division]*
   - ❑ section 148 (2) *[agreements respecting child support]*
   - ❑ section 163 (3) *[agreements respecting spousal support]*

You must file a copy of the written agreement along with this form.

To determine what section applies, look at the terms in written agreement to see what the agreement is about. It may be filed under more than one section of the Family Law Act if your agreement is about different issues.

Section 92 applies to agreements respecting companion animals.

Part 3 | Address for service

5. My **address for service** of court documents and contact information is:
   You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

This information will be available to the other party and the court.

Request to File a Determination of Parenting Coordinator

Form 27

Provincial Court Family Rules
Rule 133

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Request to File a Determination of Parenting Coordinator provides information about a determination of a parenting coordinator that a person is filing under the Family Law Act in the Provincial Court. A determination of a parenting coordinator that is filed in Provincial Court is enforceable under the Act as if it were an order of the Provincial Court.

A person can apply under Rule 135 to enforce, change, or set aside a filed determination of a parenting coordinator using the Application About Enforcement Form 29. The determination must first be filed with the court.

Part 1 | About the parties

1. My **full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The **other party who is the subject of this determination** is:
   Full name of party

   Their **date of birth** (dd/mmm/yyyy) is:
   (dd/mmm/yyyy)

   ❑ There is an additional party.
   The **additional party's full name** is:
   Their **date of birth** (dd/mmm/yyyy) is:

You must file a copy of the determination of a parenting coordinator along with this form.

Part 2 | Request to file determination of parenting coordinator

3. I **request to file a copy of the determination** by a parenting coordinator referred to in section 18 *[determinations by parenting coordinators]* of the Family Law Act dated
   (dd/mmm/yyyy), between the above parties, in the Provincial Court.

4. The parenting coordinator made the determination under:
   Select only one of the options below and complete the required information

   ❑ An **agreement** made on
   Date (dd/mmm/yyyy)
   between
   Parties to the agreement,
   which is filed in the Provincial Court.

   ❑ A **court order** made on
   Date (dd/mmm/yyyy)

A parenting coordinator may assist only if there is a parenting coordination agreement or order in place [s. 15 Family Law Act].

If you had a written agreement to use a parenting coordinator, the agreement must also be filed with the court using the Request to file an Agreement Form 26.

Part 3 | Address for service

5. My **address for service** of court documents and contact information is:
   You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

This information will be available to the other party and the court.

Request to File an Order
Form 28

Provincial Court Family Rules
Rule 134

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Request to File an Order provides information about a court order that a person is filing in the Provincial Court. Once filed, a support order from a foreign or extraprovincial jurisdiction, or the Supreme Court, can be enforced in Provincial Court under both the Family Maintenance Enforcement Act and Family Law Act as if it were an order of the Provincial Court.

Part 1 | About the parties

1. **My full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The full name of **other party to this agreement** is:
   Their **date of birth** (dd/mmm/yyyy) is:

   ❑ There is an additional party.
   The **additional party's** full name is:
   Their **date of birth** (dd/mmm/yyyy) is:

Part 2 | Request to file an order

3. I **request to file a copy of the order**, certified by the court that made the order, dated _____, between the above parties, in the Provincial Court.
   (dd/mmm/yyyy)

4. I am filing the order for the purpose(s) described in the following provision(s):
   Select all options that apply
   - ❑ A **foreign or extraprovincial support order** under section 18 *[registration of extraprovincial or foreign order]* of the Interjurisdictional Support Orders Act
   - ❑ An **order about parenting arrangements or contact with a child** made by the Supreme Court of British Columbia under section 195 *[Provincial Court enforcement of Supreme Court orders]* of the Family Law Act
   - ❑ A **support order** made by the Supreme Court of British Columbia under Rule 15-3 (6) *[enforcement in Provincial Court]* of the Supreme Court Family Rules

You must file a certified copy of the order along with this form. A certified copy is a copy of the order made by whoever has the original, that is certified to be a true copy (usually by applying a signature and stamp or seal to the copy). Contact the original court location to get a certified copy.

Part 3 | Address for service

5. My **address for service** of court documents and contact information is:
   You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

This information will be available to the other party and the court.

For use by the BC Family Maintenance Agency or Interjurisdictional Support Services staff only

❑ This request is being made and/or filed on behalf of the party by:
❑ the Director of Maintenance Enforcement ❑ Interjurisdictional Support Services

Notes:

Provincial Court Family Rules, B.C. Reg. 120/2020, Attachment

Consolidation current to April 7, 2025

Application About Enforcement
Form 29

Provincial Court Family Court Rules
Rules 135 and 136

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Application About Enforcement sets out the details of an application to enforce an order in Provincial Court under the Family Law Act or to set aside the registration of a foreign support order under the Interjurisdictional Support Orders Act that a person is applying for.

Please read before completing the form:

- This application is to be used to help enforce an order, filed written agreement or filed determination of parenting coordinator, that a person is not following. The court may impose consequences under the Family Law Act on the person who isn't following the order. It may also be used to apply to set aside the registration of an order from another jurisdiction within 30 days after receiving notice of the registration.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

A written agreement, court order from another jurisdiction or determination that is filed in Provincial Court under the Family Law Act is enforceable under the Act as if it were an order of the Provincial Court.

Part 1 | About the parties

1. **My full name** is: _____
   Full name of party
2. The **other party's full name** is: _____
   Full name of party/parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Notice of the application

3. *Select whichever option is correct*
   - ❑ This **application is about enforcement under Rule 135**. I understand **I must give notice** of this application to each other party. **To give notice, they must be served** with the application and supporting documents **at least 7 days before** the date of the court appearance **unless** the court allows the application to be made without notice or with less than 7 days' notice.
   - ❑ This **application is to set aside the registration of a foreign support order** under the Interjurisdictional Support Orders Act. I understand **I must give notice of this application to the designated authority**. To give notice, the designated authority must be served with the application and supporting documents by registered mail **at least 30 days before** the application is to be heard by the court.

For more information about serving court documents, see the guidebook.

The Interjurisdictional Support Services is the designated authority in B.C. Further information can be found at isoforms.bc.ca.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court on _____ **at** _____ **a.m./p.m.**
date time

❑ in person at _____
court location

❑ by another method of attendance, as specified _____
attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also **choose to file a written response** in reply to the application in Form 19 Written Response to Application.

Part 4 | Order about enforcement

4. I am **applying for** an order to:

- ❑ enforce the order or filed written agreement made on _____ Date (dd/mmm/yyyy)
- ❑ enforce, change or set aside the filed determination of a parenting coordinator dated _____ (dd/mmm/yyyy)
- ❑ to have reasonable and necessarily incurred expenses set under the following section(s) of the Family Law Act:
  - ❑ section 61 *[denial of parenting time or contact]*
  - ❑ section 63 *[failure to exercise parenting time or contact]*
  - ❑ section 212 *[orders respecting disclosure]*
  - ❑ section 213 *[enforcing orders respecting disclosure]*
  - ❑ section 228 *[enforcing orders respecting conduct]*
  - ❑ section 230 *[enforcing orders generally]*
- ❑ to determine whether arrears are owing under the support order or agreement dated _____ (dd/mmm/yyyy) made under the Family Law Act, and if so, the amount of arrears (unpaid support)
- ❑ to set aside the registration of a foreign order under section 19(3) of the Interjurisdictional Support Orders Act from a reciprocating jurisdiction under the Interjurisdictional Support Orders Act including from a contracting state under the 2007 Hague Child Support Convention

A party to a foreign order may apply to the BC court to set aside the registration within 30 days after receiving notice of the registration [s. 19 Interjurisdictional Support Orders Act].

You must attach a copy of the order, written agreement or determination to this application for filing.

5. ❑ **A copy of the order, written agreement or determination** I want to enforce is attached to this application **(see attached copy)**.

Part 5 | Details of the order

6. The **details of the order** I am applying for are as follows:
List the specific details of the order(s) you are asking for

For more information about the different enforcement options, see the guidebook.

Part 6 | The facts

7. The **facts** on which this application is based **are as follows**:
Explain why you are making the application and why the order you are requesting should be made

If you choose to, you can prepare an Affidavit – General in Form 45 to provide evidence in writing to support your application.

You can also give spoken evidence in court.

To add more, select the box below and attach a page with the additional information

❑ **Additional page(s)** **(see attached)**

If you need more space, select the box, and remember to include your additional page(s).

Part 7 | Address for service

8. My **address for service** of court documents and contact information is:

You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

For more information about how this information will be used and who will have access to it, see the guidebook.

Application for Garnishment, Summons or Warrant

Form 30

Family Maintenance Enforcement Act

Provincial Court Family Rules
Rule 140

COURT STAMP

Registry location:

Court file number:

BCFMA case ID:

Document number:
For registry use only

This Application for Garnishment, Summons or Warrant sets out the details of an application for enforcement of a support order under the Family Maintenance Enforcement Act.

Please read before completing the form:

- To collect on support owing, you can:
  - Enroll with the BC Family Maintenance Agency (BCFMA) by filing your support order, or filed agreement, with the Director of Maintenance Enforcement at www.bcfma.ca to have support collected for you
  - Take enforcement action through the court on your own or with a lawyer using the Family Maintenance Enforcement Act
- This form can be filed by a creditor (person to be paid support) or the Director of Maintenance Enforcement if the order is filed with the director. This form is used to enforce a support order through garnishing wages or bank accounts, issuing a summons to court, issuing a warrant for seizure and sale of belongings, or issuing a warrant for arrest.

During enforcement proceedings, the parties are commonly referred to as the **creditor** (person to be paid support) and **debtor** (person required to pay support).

Part 1 | About the parties

1. **My full name** is:
   Full name of party

   My **date of birth** is:
   (dd/mmm/yyyy)

2. The full name of **other party to this agreement** is:
   Their **date of birth** (dd/mmm/yyyy) is:

   ❑ There is an additional party/attachee.
   The **additional party/attachee's** full name is:

An attachee is a person required or directed to pay under a notice of attachment or attachment order. It is usually an employer or other individual who owes the payor money.

Part 2 | About the support order or filed written agreement

3. ❑ I have a **court order or filed written agreement** about support made on made on
   Date (dd/mmm/yyyy) between the parties that **I want to enforce** under the Family Maintenance Enforcement Act and **a copy of the order or filed written agreement is attached**.

You must attach a copy of the order or agreement to this application for filing.

4. The order requires:
   Select all applicable options
   - ❑ the debtor to pay support
   - ❑ the attachee to comply with the attachment order/notice of attachment
   - ❑ the debtor to pay arrears
   - ❑ the debtor to report by filing a statement of income and expenses
   - ❑ the debtor to provide particulars of each change of residential address, place of employment or business address
   - ❑ the debtor to provide a statement of finances or other prescribed document(s)

A written agreement about support that is filed with the court can be enforced under the Family Law Act or Family Maintenance Enforcement Act **as if it were an order** of the court [s. 148 and s. 163 Family Law Act].

You can use the Request to file an Agreement Form 26 to file it if you haven't already.

Part 3 | Request for enforcement under the Family Maintenance Enforcement Act

5. In connection with this order, **I request** a:
Select each option that applies and include the required supporting document(s) with your request

- ❑ **Summons** in Form 31 **requiring the debtor to attend court under section 14 (2)** *[failure to provide statement of finances]* of the Act to show cause why the order should not be enforced ➜ **A supporting affidavit is required**
- ❑ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 14 (2)** *[failure to provide statement of finances]* of the Act to show cause why the order should not be enforced ➜ **A supporting affidavit is required**
- ❑ **Garnishing order under section 18** ***[garnishment]*** **of the Act** ➜ **A completed garnishing order form and supporting affidavit is required**
- ❑ **Summons to a default hearing** in Form 33 **requiring attendance of the debtor at a default hearing under section 19** *[summons for default hearing]* of the Act ➜ **An affidavit of arrears or statement of arrears is required**
- ❑ **Summons** in Form 31 **requiring the debtor to attend court under section 21 (1) (a)** *[failure to report]* of the Act to show cause why the order should not be enforced ➜ **A supporting affidavit is required**
- ❑ **Warrant for arrest** in Form 32 **authorizing the apprehension of the debtor to bring the debtor before the court under section 22 (1) (b)** *[failure to report]* of the Act to show cause why the order should not be enforced ➜ **A supporting affidavit is required**
- ❑ **Summons to a committal hearing** in Form 34 **requiring the attendance of the debtor to a committal hearing under section 23** *[committal hearing]* of the Act ➜ **An affidavit of arrears or statement of arrears is required**
- ❑ **Warrant of execution under section 27** *[warrant of execution]* of the Act ➜ **A completed Warrant of Execution form and supporting affidavit is required**
- ❑ **Warrant** in Form 32 **for the arrest of a debtor under section 31 (a)** *[arrest of absconding debtor]* of the Act ➜ **A supporting affidavit is required**

A payment order of an attachee may be enforced in any manner that a maintenance order may be enforced [s. 24 (7) Family Maintenance Enforcement Act].

You must file a supporting affidavit.

Depending on the enforcement option you are requesting, you may use:

- a Statement of Arrears under the Family Maintenance Act
- an Affidavit in Support of a Garnishing Order under the Court Order Enforcement Act; or
- an Affidavit – General Form 45 under the Rules

If you are requesting a garnishing order, you must attach a completed garnishing order form.

If you are requesting a warrant of execution, you must attach a completed warrant of execution.

Part 4 | The facts

6. ❑ **I am filing an affidavit in support** of this application, as set out in Part 3.

Part 5 | Address for service

7. My current **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer's name and firm name (if applicable):		

For use by the BC Family Maintenance Agency staff only

❑ This application is being made and/or filed on behalf of the party by the Director of Maintenance Enforcement

Notes:

COURT STAMP

Form 31

Provincial Court Family Rules
Rules 32, 140 and 148

Registry location:	
Court file number:	
BCFMA case ID:	

Summons - General

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

TO:

Name:		Date of Birth:
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

[full name of party] has requested an order under the Family Law Act or the Family Maintenance Enforcement Act. The application is attached ***(see attached)***.

You have:
[Select one or more of the following options, as applicable, and complete the selected option(s). You may remove any option that is not selected so that it does not appear in the summons.]

- ❑ failed to file a reply as required under the Provincial Court Family Rules
- ❑ failed to attend court on *[dd/mmm/yyyy]* at *[time a.m./p.m.]* at *[court location and address]*
- ❑ failed to comply with an order to *[describe what the order required the debtor/party to do]*

You must attend court on *[dd/mmm/yyyy]* at *[time a.m./p.m.]* at *[court location and address]*

- ❑ to respond to the application
- ❑ to show cause why the order should not be enforced

If you do not attend court on the date and time above, the court may make an order in your absence or issue a warrant for your arrest.

_____
Date

_____
By the Court or clerk on behalf of *[name of judge]*

COURT STAMP

Form 32

Provincial Court Family Rules
Rules 140, 149 and 151

Registry location:

Court file number:

BCFMA case ID:

Warrant for Arrest

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

To all police officers in British Columbia

THIS COURT ORDERS you to arrest *[full name of person]*, date of birth: *[dd/mmm/yyyy]*, of *[address]* and bring that person before a justice/judge as soon as possible.

The reason for the arrest is that the person

- ❑ did not attend court at *[court location]* on *[date]*
  - ❑ as required by a summons
  - ❑ as ordered by the Court in the presence of the person
  - ❑ as specified on a release
  - ❑ other reason *(specify)*
- ❑ is required to attend court to explain their non-compliance and show why an order for imprisonment should not be made under section 231 (2) of the *Family Law Act*
- ❑ is required to attend court to show cause why an order under section 14 (1) of the *Family Maintenance Enforcement Act* should not be enforced
- ❑ other reason *(specify)*:

(if applicable)

THIS COURT FURTHER ORDERS *[full name of person]* is to be held in custody and appear before a Provincial Court Judge. If necessary, *[full name of person]* is to be held in custody overnight or over the weekend to facilitate such an appearance. The Director of Maintenance Enforcement is to be given reasonable opportunity to appear before the court prior to *[full name of person]* being released.

Date

By the Court or clerk on behalf of *[name of judge]*

Warrant executed

By:

Date:

COURT STAMP

Form 33

Provincial Court Family Rules
Rule 140

Registry location:	
Court file number:	
BCFMA case ID:	

Summons to a Default Hearing

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

TO:

Name:	Date of Birth:	(DEBTOR)
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Because you have defaulted in payment under a support order, *[full name of party]* has requested an order under the *Family Maintenance Enforcement Act*.

A statement of arrears is attached.

You must attend court on *[dd/mmm/yyyy]* at *[time a.m./p.m.]* at *[court location and address]* to show cause why the support order should not be enforced.

If you do not attend court on the date and time above, the court may make an order in your absence or issue a warrant for your arrest.

Date	Judge or Justice of the Peace in and for the Province of British Columbia

COURT STAMP

Form 34

Provincial Court Family Rules
Rule 140

Registry location:	
Court file number:	
BCFMA case ID:	

Summons to a Committal Hearing

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

TO:

Name:	Date of Birth:	(DEBTOR)
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

You, the debtor, have not obeyed the court's order as set out in the attached Statement.

You must attend court on *[dd/mmm/yyyy]* at *[time a.m./p.m.]* at *[court location and address]* to give reason why you should not be imprisoned for disobeying the court's order.

If you do not attend court for the committal hearing on the date and time above, you may be arrested and brought to the Court.

_____
Date

_____
Judge or Justice of the Peace in and for the Province of British Columbia

Application for Order Under the *Family Maintenance Enforcement Act*

Form 35

Provincial Court Family Rules
Rule 142

COURT STAMP

Registry location:

Court file number:

BCFMA case ID:

Document number:
For registry use only

This Application for Order Under the Family Maintenance Enforcement Act sets out the details of an application for an order under the Family Maintenance Enforcement Act about the enforcement of an order about child support or spousal support.

Please read before completing the form:

- This form is usually used once enforcement actions have been started and may be used to challenge enforcement actions taken outside the court by the BC Family Maintenance Agency (BCFMA).
- Under the Family Maintenance Enforcement Act, you may be required to contact the BCFMA before taking any action in court.

Part 1 | About the parties

1. My **full name** is: _____
   Full name of party

   My **date of birth** is: _____
   (dd/mmm/yyyy)

2. The **other party's full name** is: _____
   Their **date of birth** (dd/mmm/yyyy) is: _____

3. *Complete only if applicable. You may leave this question blank.*
   The following other person(s) who may be directly affected by the order is/are:
   (Full name of other person(s)): _____

During enforcement proceedings, the parties are commonly referred to as the **creditor** (person to be paid support) and **debtor** (person required to pay support).

Part 2 | Notice of the application

4. ❑ I understand **I must give notice** of this application to each other party, and any other person who may be directly affected by the order.
   To give notice, they must be served with the application and supporting documents at least 7 days before the date of the court appearance unless the court allows the application to be made without notice or with less than 7 days' notice.

If the support order is filed with the Director of Maintenance Enforcement, they must also be served with a copy of the application. See the instructions for more information about how to serve them.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court on _____ **at** _____ **a.m./p.m.**
date time

❑ in person at _____
court location

❑ by another method of attendance, as specified _____
attendance details

The registry will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY/PERSON:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

You may also choose to **file a written response** in reply to the application in Form 19 Written Response to Application.

Part 4 | Order under the Family Maintenance Enforcement Act

5. I am applying for the following order(s):
Select all options that apply

- ❑ Requiring the other party/person to provide to the Director of Maintenance Enforcement correspondence and/or searchable information
- ❑ Extending the time for filing a statement of finances with the court
- ❑ Requiring the debtor to file a statement of finances or other documents
- ❑ Requiring the debtor to pay an amount on failing to file a statement of finances or prescribed documents
- ❑ Providing that a corporation is jointly and separately liable with the debtor for payments required by the support order
- ❑ Requiring payment by an attachee who failed to pay in accordance with a notice of attachment or to respond in accordance with the regulations
- ❑ Providing that a notice of attachment has no effect because the attachee is no longer liable or that the notice of attachment contains or is based on a material error
- ❑ Changing an order made at a default hearing **(see attached copy of order)**
- ❑ Suspending, changing or cancelling an order to imprison a debtor that was made in the debtor's absence
- ❑ Changing the amount exempt from attachment under an attachment order or notice of attachment
- ❑ Setting aside an attachment order made under section 24 of the Family Maintenance Enforcement Act
- ❑ Discharging or postponing the registration of a support order registered against land
- ❑ Requiring that the Director of Maintenance Enforcement direct the Insurance Corporation of British Columbia to disregard a notice stating that the debtor is in default and that an action under section 29.1 (1) of the Family Maintenance Enforcement Act is to be taken in relation to the debtor's driver's licence, the licence and corresponding number plates for any motor vehicle or trailer owned by the debtor
- ❑ Requiring security in any form from the debtor
- ❑ Requiring an individual or authorized representative of a corporation, partnership or proprietorship to attend a default hearing or committal hearing and to file financial information
- ❑ Restraining a person under section 46 of the Family Maintenance Enforcement Act
- ❑ Requiring a restrained person to enter into a recognizance and to report to the court, or a person named by the court

You may apply for one or more orders under the Family Maintenance Enforcement Act.

If you are applying to change an order made at a default hearing, you must attach a copy of the order to this application for filing.

Part 5 | The facts

6. *Select only one of the options below and complete the required information*

- ❑ I am filing an affidavit in support of this application
- ❑ The facts on which this application is based are as follows:

Give the facts you want the court to consider. Include why you are making this application and why you need the court to make the order. Be prepared to provide evidence at your court appearance.

If you selected the first option, you must also file an affidavit with this application.

Part 6 | Address for service

7. My current **address for service** of court documents and contact information is:
You must provide an address for service and contact number, but it does not have to be your own if you don't want to

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Lawyer's name and firm name (if applicable):

For use by the BC Family Maintenance Agency staff only

❑ This application is being made and/or filed on behalf of the party by the Director of Maintenance Enforcement

Notes:

COURT STAMP

Form 36

Provincial Court Family Rules
Rule 142

Registry location:

Court file number:

BCFMA case ID:

Recognizance – *Family Maintenance Enforcement Act*

In the Provincial Court of British Columbia

On *[date]* the Honourable Judge *[name of judge]*

ordered *[full name of restrained party]* (the restrained party), date of birth: *[dd/mmm/yyyy]*, to enter into a recognizance following the issuance of a restraining order under section 46 of the *Family Maintenance Enforcement Act*.

The following person(s) attended before a Justice and acknowledged owing the following amount to Her Majesty the Queen:

Restrained Party	Occupation	**Amount** $
Address	City/Province	❑ without deposit ❑ with deposit of $
Surety	Occupation	❑ without surety ❑ with surety
Address	City/Province	Amount $

If the person bound fails to meet the condition(s) listed below, Her Majesty the Queen may seize any of the person's possessions or the possessions of any sureties equal to this amount, to be used as Her Majesty sees fit.

The condition of the above recognizance is that if *[full name of restrained party]* reports to *[the court or person named by the court]* on *[date]* at *[time]*, or as follows:

(if applicable) and in addition:

the recognizance is void, otherwise it stands in full force.

Acknowledged before me at *[city]*, British Columbia.

Signature of restrained party	Date	A Judge or Justice of the Peace in and for the Province of British Columbia
Signature of surety	Date	A Judge or Justice of the Peace in and for the Province of British Columbia

COURT STAMP

Form 37

Provincial Court Family Rules
Rule 142

Registry location:

Court file number:

BCFMA case ID:

Restraining Order – *Family Maintenance Enforcement Act*

❑ **By Consent**
❑ **Without Notice**

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

BEFORE [THE HONOURABLE JUDGE *[name of judge]* or *[name of family justice manager]*] ON *[date]*

On the application of *[full name of party making the application]*;

Persons appearing:		Lawyer:	
		Lawyer:	

THIS COURT ORDERS THAT pursuant to section 46(1) of the *Family Maintenance Enforcement Act*, *[full name of restrained party]*, date of birth: *[dd/mmm/yyyy]*, is restrained from molesting, annoying, harassing, communicating with or attempting to molest, annoy, harass or communicate with *[names of creditor, debtor, director, or a person to whom the director has delegated a power, as ordered by the judge]*.

Further details of restraining order:

(complete if applicable) Restraining order to expire on *[date]*.

Checked by:

Date	By the Court	Initials

TAKE NOTICE THAT any police officer, including any R.C.M.P. officer having jurisdiction in the province of British Columbia, having reasonable and probable grounds to believe that the person against whom this order is made has contravened a term of this order may take action to enforce the order. Enforcement action may include arresting the person against whom this order is made without warrant in accordance with section 495 of the *Criminal Code*.

COURT STAMP

Form 38

Provincial Court Family Rules
Rule 150

Registry location:

Court file number:

BCFMA case ID:

Order for Imprisonment

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party 1]

AND

[full name of party 2]

BEFORE [THE HONOURABLE JUDGE *[name of judge]* ON *[date]*

TO ALL PEACE OFFICERS IN THE PROVINCE OF BRITISH COLUMBIA AND TO THE KEEPER OF A PROVINCIAL CORRECTIONAL CENTRE:

Whereas *[full name of person to be imprisoned]*, date of birth: *[dd/mmm/yyyy]*, has appeared before this Court and has been given a reasonable opportunity to explain their non-compliance and show why an order for imprisonment under section 231 of the *Family Law Act* should not be made;

THIS COURT ORDERS that *[full name of person to be imprisoned]* be imprisoned to a Provincial Correctional Centre in the Province of British Columbia, for a period of days.

YOU THE PEACE OFFICER ARE ORDERED to bring this person safely to a Provincial Correctional Centre in the Province of British Columbia and deliver this person to the keeper.

YOU THE KEEPER ARE ORDERED to receive this person into custody in the Provincial Correctional Centre and imprison this person for the term written above or upon further order of this Court.

Date

By the Court

Request for Scheduling
Form 39

Provincial Court Family Rules
Rules 156

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Request for Scheduling provides notice of a court appearance that has been scheduled for an application previously before the court and where any of the circumstances set out in Rule 156 apply.

Please read before completing the form:

- This form is only to be used to proceed with an application that has previously been scheduled for a court appearance.
- For guidance filling in this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

For more information about scheduling a court appearance if no appearance has ever been scheduled, see the guidebook.

Part 1 | About the parties

1. **My full name** is _____
   Full name of party
2. The **other party's full name** is _____
   Full name of party/parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Request for scheduling and notice

3. I request that the application filed on (date) _____, document number ____, **be scheduled for a court appearance**. The court appearance is being requested for the reason set out in Part 4.
4. ❑ I understand I must give notice of this request for scheduling to each other party. To give notice, they must be served with the document at least 7 days before the date set for the court appearance.

For more information about how to give notice to the other party, see the guidebook.

Part 3 | About your court appearance

For registry or judicial case manager use only

The application, which requires a court appearance, will be heard by the court

at a _____ **on** _____ **at** _____ **a.m./p.m.**
appearance type — date — time

❑ in person at _____
court location

❑ by another method of attendance, as specified _____
attendance details

The registry or judicial case manager will work with you to schedule a date for the court appearance and will fill in the actual date and method of attendance on the form. Be prepared to talk about your availability if there are options for dates.

NOTE TO THE OTHER PARTY:

If you do not attend court on the date and time scheduled for the court appearance, the court may make an order in your absence.

Part 4 | Reason for requesting a court appearance

5. On *(date of court appearance or consent adjournment)* _____ :
(dd/mmm/yyyy)

- ❑ This matter was **adjourned by the court** without setting a new date (adjourned generally)
- ❑ This matter was **struck off the court list** by the court without setting a new date
- ❑ An order or direction was made by the court referring or **requiring the party/parties to attend, participate or complete** a requirement before returning to court
- ❑ An order or direction was made by the court **requiring that a deficiency under these rules be addressed** by a party before returning to court
- ❑ An order was made by the court providing for **the review of the order**
- ❑ An **interim order on a family law matter was made** by the court and I am **applying for the interim order to be changed**, **suspended or cancelled** under section 216(3) of the Family Law Act because:

  Please describe why the interim order can't remain in place until a final decision can be made

  I would like the interim order about a family law matter **changed, suspended or cancelled as follows**:

  Please describe the order you want the court to make instead of the current interim order

- ❑ I **attended a family management conference** regarding this family law matter. I am **applying for an interim order** under section 216 or 217 of the Family Law Act for the following family law matter order(s) applied for in my application, reply or counter application:
  - ❑ Parenting arrangements, including parental responsibilities and parenting time
  - ❑ Child support
  - ❑ Contact with a child
  - ❑ Guardianship of a child
  - ❑ Spousal support
  - ❑ Property division in respect of a companion animal

If you are applying for an interim order, select the family law matter(s) you need an interim order for. The Application for a Family Law Matter, Reply to an Application About a Family Law Matter, and/or Counter Application must already include the details of the final order you are asking for an interim order about.

Notice of Lawyer for Child

Form 40

Provincial Court Family Rules
Rule 162

COURT STAMP

Registry location:

Court file number:

This Notice of Lawyer for Child provides notice to the court and each party that a child who is the subject of the family law case is being represented by a lawyer as set out in this document.

NOTE TO THE PARTIES:
You are required to serve the lawyer for the child(ren) with copies of any court documents, including any application and supporting documents, as you would the other party, unless otherwise ordered by the court.

Part 1 | Party information

1. The **parties to this case** are:

   Full name of each party

2. ❑ I understand **I need to serve each party** with a filed copy of this notice.

The lawyer for a child must file and serve this notice on each other party when the lawyer starts representing the child [Rule 162].

Part 2 | Lawyer for child

3. I _____ (Full name of lawyer), of, _____ (Firm name, if applicable),
   am the lawyer for the following child(ren):

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

A lawyer for a child may start representing a child at any time during a case [Rule 162] and may represent the child on any or all issues before the court.

Permission of the court is not required to begin representing the interests of a child; however, an order may be required if a lawyer needs to be appointed under s. 203 of the Family Law Act or if an order is needed to address fees and disbursements.

4. I will be **representing the child(ren)** identified in question 3 **on the following issue(s)**:
   Select all options that apply
   - ❑ Parenting arrangements
   - ❑ Child support
   - ❑ Contact with a child
   - ❑ Guardianship of a child
   - ❑ Protection order
   - ❑ Priority parenting matter
   - ❑ Relocation
   - ❑ Property division in respect of a companion animal
   - ❑ Other *(specify)*:

5. My **contact information and address for service** of court documents are:

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

NOTE TO THE REGISTRY: The lawyer for the child(ren) is to be given notice of all court appearances and access to the court file, including copies of any filed document(s), as if they were a party, unless otherwise ordered by the court.

Notice of Removal of Lawyer for Child

Form 41

Provincial Court Family Rules
Rule 162

COURT STAMP

Registry location:

Court file number:

This Notice of Removal of Lawyer for Child provides notice to the court and each party that a lawyer has stopped representing a child who is the subject of the family law case.

Part 1 | Party information

The lawyer for a child must file and serve this notice on each other party when the lawyer stops representing the child [Rule 162].

1. The **parties to this case** are:

   Full name of each party

2. ❑ I understand **I need to serve each party** with a filed copy of this notice.

Part 2 | Lawyer for child

3. I,

   Full name of lawyer

   am **no longer representing** the following child(ren) in this case:

Child's full name	**Child's date of birth** (dd/mmm/yyyy)

Notice of Lawyer for Party

Form 42

Provincial Court Family Rules
Rule 163

COURT STAMP

Registry location:

Court file number:

This Notice of Lawyer for Party provides notice to the court and each party that a party is represented by a lawyer as set out in this document.

Please read before completing the form:

- You do not have to complete a Notice of Lawyer for Party if a lawyer starts representing a party at the time of filing an application or reply and the lawyer's contact information and address for service of documents is provided on the application or reply [Rule 163].
- This notice may be filed at any time during a case.

Part 1 | Party information

This notice must be filed and served on each other party [Rule 163].

1. The **parties to this case** are:

Full name of each party

2. ❑ I understand **I need to serve each party** with a filed copy of this notice.

Part 2 | Lawyer for party

3. I _____ (Full name of lawyer), of, _____ (Firm name, if applicable),

am the lawyer for the following party/parties:

Provide the full name of each party the lawyer is representing

4. I will be **representing the party/parties** identified in question 3 **as follows**:

Select all options that apply

- ❑ on all issues until further notice to the court
- ❑ on only the following specified issue(s) until further notice to the court:
- ❑ preparation of the following court documents for filing and/or filing of the court documents:
  List any applicable court document(s)
- ❑ at the family management conference
- ❑ at the family settlement conference
- ❑ at trial (including any scheduled trial preparation conference)
- ❑ on the application about *(specify)*:
- ❑ other *(specify)*:

A lawyer may represent a party for all issues in a case or for unbundled services or limited representation. Unbundled services or limited representation means that a lawyer provides legal services for only certain parts of a case based on what you agree to.

5. *Select the option that applies and complete any required information*

- ❑ There are **no changes to the contact information or address for service** of court documents on file
- ❑ The **contact information and address for service of court documents** are:

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

Notice of Removal of Lawyer for Party

Form 43

Provincial Court Family Rules
Rule 163

COURT STAMP

Registry location:

Court file number:

This Notice of Lawyer for Party provides notice to the court and each party that a lawyer has stopped representing a party.

Please read before completing the form:

- You do not have to complete a Notice of Removal of Lawyer for Party if:
  - a new lawyer representing a party files and serves a Notice of Lawyer Form 42 identifying the new lawyer, or
  - the limited purpose for which a lawyer was representing a party, as described in a notice of lawyer for party, has ended [Rule 163]
- This notice may be filed by a lawyer or a party.

This notice must be filed and served on each other party [Rule 163].

Part 1 | Party information

1. The **parties to this case** are:

Full name of each party

2. ❑ I understand **I need to serve each party** with a filed copy of this notice.

Part 2 | Lawyer for party

3. *Select the option that applies and complete the required information*

❑ I, _____ am no longer representing
Full name of lawyer
_____ on this case effective _____
Full name of party/parties Date (dd/mmm/yyyy)

❑ I, _____ am no longer represented by
Full name of party
_____ on this case effective _____
Full name of lawyer Date (dd/mmm/yyyy)

This notice may be prepared and filed by the lawyer or a party.

4. *Select the options that applies and complete the required information*

❑ There are **no changes to the contact information or address for service** of court documents on file

❑ The **contact information and address for service** of court documents are now changed to:

Address:

City: Province: Postal Code:

Email: Telephone:

Firm name (if applicable):

COURT STAMP

Form 44

Provincial Court Family Rules
Rule 168

Registry location:

Court file number:

Order – General

- ❑ **Interim Order**
- ❑ **Final Order**
- ❑ **By Consent**
- ❑ **Without Notice**

In the Provincial Court of British Columbia

IN THE CASE BETWEEN:

[full name of party]

AND

[full name of party]

BEFORE [THE HONOURABLE JUDGE *[name of judge]* or *[name of family justice manager]*] ON *[date]*

ON THE APPLICATION of *[full name of party making the application]* filed on *[date]*;
AND

- ❑ ON THE COURT DETERMINING THAT a court appearance is not required [and notice is not required]]
- ❑ THIS MATTER COMING before the court at a *[appearance type]* at *[court location]* on *[date]*

Persons appearing:		Lawyer:	
		Lawyer:	

THIS COURT ORDERS THAT:

[specify terms of the order]

[A signature line in the following form must be completed and signed by or for each approving party, as required]

The parties approve the form of this order and consent to each of the orders, if any, that are indicated above as being by consent:

Signature of [type or print name],
lawyer for [name of party/parties]

Signature of [type or print name],
lawyer for [name of party/parties]

By the Court

Affidavit - General
Form 45

Provincial Court Family Rules
Rules 171 and 172

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

This Affidavit provides evidence to the court of the facts and events it sets out.

Please read before completing the form:

- An affidavit is used to present written evidence that is relevant to the case to the court.
- The affidavit must be signed with a commissioner for taking affidavits. Lawyers and notaries are all commissioners for taking affidavits. The court registry also has staff who are commissioners for taking affidavits who can swear or affirm your affidavit for free.
- For guidance completing this form, please read the guidebook. The guide is available online at www.gov.bc.ca/court-forms or from your local court registry.

I, _____ (Full name), _____ (Occupation) of _____ (Address of person, City, Province),

SWEAR OR AFFIRM THAT:

I know or believe the following facts to be true. If these facts are based on information from others, I believe that information to be true.

1. I am making this affidavit

- ❑ in support of an application _____
  Briefly describe the type of application
- ❑ in response to an application _____
  Briefly describe the type of application

List the facts that you wish to present to the court using short sentences. Each fact or piece of information should be organized into its own numbered paragraphs (starting with 2). If certain facts are not within your personal knowledge, identify the source of your information. If you refer to documents, attach them to this affidavit and mark them as exhibits.

2.

3.

4.

(+) …

Sworn or affirmed before me
at _____ (City), British Columbia
on _____ (Date)

A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

Signature

Notice of Address Change

Form 46

Provincial Court Family Rules
Rule 175

COURT STAMP

Registry location:

Court file number:

This Notice of Address Change provides notice to the court and each party that a party's address has changed as set out in this document.

Part 1 | Party information and notice

1. **My full name** is _____
   Full name of party

2. The **other party's full name** is _____
   Full name of party/parties

3. ❑ I understand **I need to serve each party** with a filed copy of this notice.

Part 2 | Contact information and address for service

4. I am notifying the court and the other party/parties that **my contact information and address for service of court documents are changed to**:

Address:		
City:	Province:	Postal Code:
Email:	Telephone:	
Lawyer (if applicable):		

5. The change is current as of _____
   Date (dd/mmm/yyyy)

If your address for service changes, you must file a Notice of Address Change and serve a copy on each other party as soon as possible [Rule 175].

Form 47

Provincial Court Family Rules
Rule 182

Registry location:

Court file number:

Notice by Advertisement

In the Provincial Court of British Columbia

To *[full name of party to be served]*

[full name of party making application] is applying to the Provincial Court for an order *[describe the order(s) you are asking the court to make]*.

The Court has ordered that the *[name of document(s) to be served]* be served on you by way of this advertisement.

To reply to the application, you must:

(Option 1) File a reply form within 30 days (or other time period specified by the court) in the court registry at *[address of court registry, city, province]*.

(Option 2) Appear in court at *[address of court registry, city, province]* on *[date]* at *[time a.m/p.m.]*.

If you [do not file a reply][do not appear in court on the date and time scheduled for the court appearance], the Court may make an order in your absence.

You can get a copy of the document(s) in your case, or view your court file, at the court registry at the above address. Refer to court file number *[court file number]*.

Affidavit of Personal Service

Form 48

Provincial Court Family Rules
Rule 183

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

I, _____ , _____ of _____ ,
Full name | Occupation | Address of person, City, Province

SWEAR OR AFFIRM THAT:

1. I personally served

_____
Full name of the person served (copy their name from the document you served them)

on _____ **at** _____ **a.m./p.m.**
Date the documents were served (dd/mmm/yyyy) | Time the documents were served

at _____
Street address or location where service took place, city, province

with a copy of the following document(s):

Indicate each document served by marking it with an exhibit letter, listing it below, and attaching a copy to the affidavit

Exhibit "A": _____
Exhibit "B": _____
Exhibit "C": _____
(+) …

2. The party served was identified to me in this manner:
Select only one of the options below

- ❑ I know the person
- ❑ the person served admitted to being this person
- ❑ other *(specify)*: _____

Sworn or affirmed before me
at _____ , British Columbia
City
on _____
Date

_____
A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

_____
Signature

Affidavit of Personal Service of Protection Order

Form 49

Provincial Court Family Rules
Rule 183

COURT STAMP

Registry location:

Court file number:

Last name of parties:
Party 1/ Party 2

Document number:
For registry use only

I, _____ , _____ of _____ ,
Full name | Occupation | Address of person, City, Province

SWEAR OR AFFIRM THAT:

1. **I personally served**

   _____
   Full name of the person served (copy their name from the document you served them)

   on _____ **at** _____ **a.m./p.m.**
   Date the documents were served (dd/mmm/yyyy) | Time the documents were served

   at _____
   Street address or location where service took place, city, province

   with a copy of the attached protection order made under Part 9 of the *Family Law Act*, marked as Exhibit "A".

2. I **also personally served them with** a copy of the following document(s):
   Indicate each additional document served by marking it with an exhibit letter, listing it below, and attaching a copy to the affidavit

   Exhibit "B": _____
   Exhibit "C": _____
   Exhibit "D": _____
   (+) …

3. The party served was identified to me in this manner:
   Select only one of the options below
   - ❑ I know the person
   - ❑ the person served admitted to being this person
   - ❑ other *(specify)*: _____

Sworn or affirmed before me
at _____ , British Columbia
City
on _____
Date

_____
A commissioner for taking affidavits in British Columbia
[print name or affix stamp of commissioner]

_____
Signature

Notice of Discontinuance
Form 50

Provincial Court Family Rules
Rule 191

COURT STAMP

Registry location:

Court file number:

Document number:
For registry use only

This Notice of Discontinuance sets out the details of an application about a family law matter, reply or counter application that a party is discontinuing. An application, reply or counter application that is discontinued has been abandoned. The parties cannot take any further action on the application, reply or counter application.

Please read before completing the form:

- This form can be filed at any time, but sometimes you need the consent of the other parties or permission of the court first [Rule 191]. See Part 4 of this form for details.
- Subject to the limitation periods set out in sections 147 (4)(b) *[duty to provide support for child]* and 198 (2) *[time limits]* of the Family Law Act, if you discontinue an application, you are not prevented from filing a new application about the same family law matter at a later date, unless the judge orders otherwise [Rule 191 (6)].

Part 1 | Party information

1. **My full name** is:
   Full name of party
2. The **other party's full name** is:
   Full name of party/parties

Copy the party information from a filed document in your case. It should match.

Part 2 | Notice to other party

3. ❑ I understand **I must give notice** of this notice of discontinuance to each other party. To give notice, they **must be served** with a copy of the notice of discontinuance **before the earlier of the following** dates:
   (i) **14 days after you filed** the notice of discontinuance
   (ii) the **date of the next scheduled court appearance**

Part 3 | Details of discontinuance

4. I am **discontinuing**
   Select the correct option(s) and complete any required information
   - ❑ **the whole of my**:
     - ❑ Application About a Family Law Matter on
       Date (dd/mmm/yyyy)
     - ❑ Reply to an Application About a Family Law Matter on
       Date (dd/mmm/yyyy)
     - ❑ Counter Application filed on
       Date (dd/mmm/yyyy)
   - ❑ **the following schedule(s)/part(s) of my**:
     - ❑ Application About a Family Law Matter on
       Date (dd/mmm/yyyy)
     - ❑ Reply to an Application About a Family Law Matter on
       Date (dd/mmm/yyyy)
     - ❑ Counter Application filed on
       Date (dd/mmm/yyyy)

   List the schedule(s) or part(s) you are discontinuing

You can only discontinue your own Application About a Family Law Matter, Reply to an Application About a Family Law Matter or Counter Application [Rule 191 (4)]. The discontinuance of your application or reply does not affect any application or reply made by another party [Rule 191 (5)].

Part 4 | Information about steps taken in the case

5. *Please select the correct option and complete any required information*

- ❑ The application has no date scheduled for a court appearance
- ❑ The application is scheduled for a court appearance on _____ Date (dd/mmm/yyyy)
- ❑ I am discontinuing only a reply

6. Has a trial preparation conference already happened?
❑ Yes ➔ ***Complete Part 5*** *Consent* ❑ No

7. Is a trial date scheduled within 30 days of the date this notice is being filed?
❑ Yes➔ ***Complete Part 5*** *Consent* ❑ No

When you file this notice, the appearance for your document, if applicable, will be cancelled.
Remember you must serve the other party with a copy of this filed notice before the scheduled date.

If yes, each other party is required to provide their consent to discontinue your application, reply or counter application or you require the permission of the court to discontinue it [Rule 191 (2)(b) & (3)(b)].

Part 5 | Consent of the parties – Complete this part only if consent is required based on your responses in Part 4.

The parties' consent to _____ discontinuing their
Full name of party
application, reply or counter application as described in Part 3 of this form.

If you cannot obtain the consent of each party, you can apply to the court for permission using the Application for Case Management Order Form 10.

_____
Signature of [type or print name],
❑ party ❑ lawyer for [name of party/parties]

_____
Signature of [type or print name],
❑ party ❑ lawyer for [name of party/parties]

Electronic Filing Statement

Form 51

Provincial Court Family Rules
Rules 193

COURT STAMP

Registry location:

Court file number:

This Electronic Filing Statement advises the court that the document that is being filed electronically shows an original signature of the person identified and that the electronic version appears to be a true copy of the original paper version.

Please read before completing the form:

- This form is required only if you are electronically filing an affidavit or other signed document for evidentiary purposes [Rule 193].
- You must keep the original paper version of the document until the earliest of
  - i. the date the proceeding, including any appeals, is completed
  - ii. the date the appeal period has expired, if no appeal is filed
  - iii. the date on which a judge orders the paper version be filed

Electronic Filing Statement

1. *Select the applicable option and complete the required information*

❑ I, _____ (Full name of lawyer), am the lawyer for _____ (Full name of party/parties)

❑ I, _____ (Full name of party), am not represented by a lawyer

2. The other party is _____ (Full name of other party/parties)

3. I advise as follows:

The _____ (Name and identifying description of document) is being submitted for filing electronically *(add if applicable)* on behalf of _____ (Full name of party/parties)

The original paper version of the document being submitted for filing electronically appears to bear an original signature of the person identified as the signatory and I have no reason to believe that the signature on the document is not the signature of the identified signatory.

The version of the document that is being submitted for filing electronically appears to be a true copy of the original paper version of the document and I have no reason to believe that it is not a true copy of the original paper version.

_____ Date (dd/mmm/yyyy)

_____ Signature

Fax Filing Cover Page – Provincial Court Family

Form 52

Provincial Court Family Rules
Rule 194

This form must be used when transmitting documents to the court registry by fax for filing.

Documents transmitted by fax are subject to the limitations set out in the Provincial Court Family Rules.

It is the responsibility of the person transmitting a document to ensure that the document is filed in the court registry within the required filing time. The registry is not responsible for any difficulties transmitting a document by fax to the registry. The registry cannot guarantee that any document will be filed on the day it is received in the registry.

To:	Court location	
	Fax number	
From:	Name of party, lawyer or firm	
	Contact name (if different from above)	
	Phone number	

Fax numbers for transmitting Provincial Court family documents to court registries can be found on the BC Government website at: www.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations or through Enquiry BC at 1-800-663-7867

Notification of acceptance or refusal of filing:

Please select only one of the following options for notification and complete the required information

❑ by fax to:

Fax number

❑ by email to:

Email address

❑ by mail to:

Mailing address

City	Province	Postal Code

Attachments:

Court file number:

Names of parties:

Document(s) for filing: (Application About a Family Law Matter, Reply, etc.)	**No. of pages in document**
Total no. of pages in submission (including fax cover page) ➡	

Note: If the total number of pages exceeds 30, your document(s) should be sent in batches. Please indicate at the top of the Fax Filing Cover Page, “Batch 1/2” and “Batch 2/2” and so on and specify in this section what is included in the specific batch. Court registry fax machines may be unable to accommodate a large volume of faxed materials. Other filing options should be considered.

Note to Registry:

AMENDMENTS NOT IN FORCE

Court Rules Act

PROVINCIAL COURT FAMILY RULES

B.C. Reg. 120/2020

amended by B.C. Reg. 138/2024

effective November 1, 2025

SCHEDULE 3

1 Rule 6 of the Provincial Court Family Rules, B.C. Reg. 120/2020, is amended

(a) in paragraph (a) by striking out "Port Coquitlam, Surrey***" and substituting "***North Vancouver, Pemberton, Port Coquitlam, Richmond, Sechelt, Surrey, Vancouver (Robson Square)***", and***

(b) in paragraph (b) by striking out "Kelowna, Nanaimo and Vancouver (Robson Square)***" and substituting "***Kelowna and Nanaimo***".***

2 Rule 9 is repealed and the following substituted:

Early resolution registry

9 The rules set out in this Part apply in the following early resolution registries, as set out in rule 6 (a) *[parts that apply in certain registries]*:

(a) Abbotsford;

(b) Chilliwack;

(c) New Westminster;

(d) North Vancouver;

(e) Pemberton;

(f) Port Coquitlam;

(g) Richmond;

(h) Sechelt;

(i) Surrey;

(j) Vancouver (Robson Square);

(k) Victoria.

3 Rule 87 is amended by repealing paragraph (c).

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